

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.26831 of 2016

K.Nivedha

... Petitioner

Vs

1.The Commissioner of Police,
Chennai City,
Vepery,
Chennai-8.

2.The Inspector of Police,
P-5, Kodungaiyur Police Station,
Kodungaiyur,
Chennai-118.

3.C.Varadharajan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from conducting unnecessary search and causing humiliation to the petitioner in pursuance of the woman missing case in Crime No.1106 of 2016 registered on the file of the 2nd respondent.

For Petitioner : Mr.A.Vasanth Kumar
For R1 and R2 : Mr.C.Emalias, APP

O R D E R

This petition has been filed to forbear the respondents Police from conducting unnecessary search and causing humiliation to the petitioner with regard to a woman missing case in Crime No.1106 of 2016 on the file of the 2nd respondent.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials placed on record.

3. It is seen that this petitioner was adopted by the 3rd respondent, when she was a child and she grew up in the 3rd respondent's house. The 3rd respondent is none other than the maternal uncle of the petitioner. The petitioner is aged about 24 years and she has completed M.B.A. and also acquired her Diploma in Acupuncture. While so, she had fallen in love with one Kalirajan of Dindigul. According to her, she informed her foster parents. But, they were not happy with it and were looking for a bridegroom in their own community.

4. Under such circumstances, the petitioner left her parental home on 19.06.2016 and is now staying in her friend's house in Madurai. Therefore, the 3rd respondent has lodged a complaint in Crime No.1106 of 2016 for woman missing before the 2nd respondent Police. Now, this petition has been filed for a direction to the 2nd respondent Police not to harass the petitioner.

5. The fact remains that the petitioner went missing from 19.06.2016 and therefore, the 3rd respondent had to necessarily lodge a complaint, based on which, a case in Crime No.1106 of 2016 has been registered for woman missing. It is the duty of the Police to investigate, for which the petitioner should co-operate.

6. Learned counsel for the petitioner submitted that Kalirajan belongs to different community and therefore, the 3rd respondent is objecting to the marriage.

7. In Lata Singh Vs State of Uttarpradesh and another [2006] 5 SCC 475, the Hon'ble Supreme Court has held that the instrumentalities of State should encourage intercaste marriage and Police have been directed to give protection to such couples. Under such circumstances, the petitioner is directed to appear before the 2nd respondent Police, so that the FIR in Crime No.1106 of 2016 can be closed. The 2nd respondent is directed to provide adequate Police protection to the petitioner and ensure that no harm befalls on her.

With the above direction, this petition is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,
Chennai City,
Vepery,
Chennai-8.

2.The Inspector of Police,
P-5, Kodungaiyur Police Station,
Kodungaiyur,
Chennai-118.

+1 cc to Mr.C.K.M.Appaji, advocate,sr.44698.

scd(co)
krd 8/8

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