

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.38016 of 2016 and W.M.P. No.32600 of 2016

V.B. Kannan

Petitioner

vs.

- 1 The Commissioner of Police
Chennai City
Vepery, Chennai
- 2 The Inspector of Police
Maduravayol Police Station
Maduravayol
Chennai
- 3 The Superintendent of Police
Ernakulam District
Cochin, Kerala
- 4 The Inspector of Police
Elammakkara Police Station
Cochin City
Ernakulam District
Kerala
- 5 Joseph Antony

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to provide necessary and adequate police protection to the petitioner and his wife in view of the Apex Court judgment in Lata Singh vs. State of Uttar Pradesh [(2006) 5 SCC 475].

For petitioner Mr. P. Vijendran
For RR 1 to 4 Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents 1 to 4 to provide necessary and adequate police protection to the petitioner and his wife in view of the judgment of the Supreme Court in *Lata Singh vs. State of Uttar Pradesh* [(2006) 5 SCC 475]

2 It is seen that Kannan (petitioner) and Jobna Joseph were in love and they appear to have got married on 19.10.2016 at Mariamman Temple, Thanjavur and are living as man and wife. It is averred that Kannan is a Dalit and Jobna Joseph is a Christian. It is the case of Kannan that Joseph Antony, father of Jobna Joseph, has lodged a complaint of "woman missing" with the Inspector of Police, Elammakkara Police Station, Cochin City (fourth respondent), pursuant to which, enquiry is being conducted by the police to trace Jobna Joseph.

3 It is the apprehension of Kannan that his marriage with Jobna Joseph is not to the liking of the latter's parents as it is not only an inter-caste marriage, but also, an inter-religious marriage and therefore, he apprehends that if he goes with Jobna Joseph to Ernakulam for enquiry, there is every likelihood of honour killing and hence, he has prayed for police protection.

4 In *Lata Singh vs. State of Uttar Pradesh* [(2006) 5 SCC 475], the Supreme Court has directed all the instrumentalities of the State to support and permit inter-caste and inter-religious marriages for bringing in communal harmony. This direction of the Supreme Court is a law declared under Article 141 of the Constitution of India and is binding on all the State functionaries, including respondents 1 to 4 herein. It appears that the couple are residing within the jurisdiction of the second respondent. Kannan has also given a representation to the Inspector of Police, Maduravoyal Police Station seeking protection and on his complaint, a petition enquiry is pending in CSR No.592 of 2016.

5 Under such circumstances, this Court directs Kannan and Jobna Joseph to appear before the Deputy Commissioner of Police, Ambattur and give a representation seeking police protection. The Deputy Commissioner of Police, Ambattur, is directed to conduct an enquiry and afford sufficient police protection to the couple so that no harm befalls them. The Deputy Commissioner of Police, Ambattur, shall also inform the Superintendent of Police, Ernakulam District, Cochin, the fact that Kannan and Jobna Joseph are living within his jurisdiction and that they

fear that their life will be in peril if they come to Ernakulam now.

This writ petition stands ordered accordingly with the above directions. Costs made easy. Connected W.M.P. is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Commissioner of Police
Chennai City, Vepery, Chennai

2 The Inspector of Police
Maduravayol Police Station
Maduravayol, Chennai

3 The Superintendent of Police
Ernakulam District, Cochin, Kerala

4 The Inspector of Police
Elammakkara Police Station
Cochin City
Ernakulam District, Kerala

5 The Public Prosecutor
Madras High Court
Chennai 600 104

6. The Deputy Commissioner of Police
Ambattur

+1 cc to Mr.P.Vijendran Advocate sr 61782

W.P. No.38016 of 2016

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