

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No.6571 OF 2017

JUDGMENT: (Oral)

(Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner seeks direction thereby directing the respondents No.2 to 6 to produce the petitioner's wife by name Pittala Chithanay, aged 24 years, before this Court, who is under illegal custody of her parents and facing life threats.

2. The present petition was listed on 27.02.2017, however this Bench did not assemble on that day, therefore the matter is taken up today.

3. It is stated in the present petition that the petitioner got married with the above named girl, who is aged about 24 years, born on 1st April 1996, as is evident from page-7 of material papers filed by the learned counsel for the respondents. It is further stated in the petition that the petitioner and Chithanay are married on 29.01.2017 at Yadagirigutta temple and the same is also evident from page-9 of the material paper.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner belongs to 'Kapu' community, which comes under BC-'D' category and the above named girl belongs to 'Mudiraju' community, which

also comes under BC-‘D’ category. He submits that since both are not from the same caste, it is not acceptable to the parents of the girl. Therefore, on 15.02.2017 the parents had abducted the wife of the petitioner without her permission. Consequently, the petitioner made a complaint to the Suryapet Police Station, and the same has been culminated into a crime in FIR No.53 of 2007 for the offence punishable under Sections 363 and 506 IPC against the parents of wife of the petitioner.

5. The wife of the petitioner is present in the Court, who has been produced by Suryapet Police Station. This Court has interacted with her. She states that she married with the petitioner on her choice and wish. She is a Major, pursuing degree course, and she will live with her husband and she does not want to go with her parents. She further states that if things are normal, there is no bar to visit the parents’ house or parents may also visit their house.

6. It is not out of place to mention here that unfortunately in marriages the caste factor plays a strong role, even when the marriage is within same category but not same caste. As the case on hand, where the petitioner and his wife belong to ‘Mudiraju’ and ‘Kapu’ communities respectively and both castes come under BC-‘D’ category, even in such a situation, some of the parents are not ready to accept, if marriage takes place without their consent. This

type of unfortunate events are going on in our country. The new generation has come up and they certainly have decided to break all the barriers and choose life partner of their choice.

7. As we interacted with the wife of the petitioner, she has strongly stated that she would live with her husband and not going to stay without him.

8. The prayer in the present petition is to direct respondents to produce the wife of the petitioner. Accordingly, his wife is produced in the Court and she is determined to join the petitioner. She is a major. She is married to the petitioner. We cannot dictate terms to her whether she should live with the petitioner or with the parents or with someone else, which is her choice.

9. Keeping in view the facts recorded above, we do not feel to pass any direction in the present petition.

10. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

JUSTICE U. DURGA PRASAD RAO.

Date : 06-03-2017

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