

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.10809 OF 2011

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a writ of mandamus against the respondents declaring the action of respondent No.2 in interfering with the freedom and liberty guaranteed to her under Articles 19 and 21 of the Constitution of India as illegal and arbitrary and consequently, directing all the respondents not to interfere with the personal life and liberty of the petitioner.

2. The brief facts of the writ petition are that the petitioner is the elder daughter to her parents and the 3rd respondent is her father. She was born on 02.04.1991 and she has passed Board of Secondary Examination in first class in the academic year 2005-2006 and thus, she was a major as on the date of filing of the writ petition. Her further case is that her parents and family elders were not inclined to permit her to pursue further studies and forcing her to get married by putting an end to her educational carrier. Thus, she was vexed with the attitude of her parents and elders and therefore, she had no other option except to leave the house and pursue her carrier. In furtherance of her object, she secured a job in Hyderabad which suits her qualification. It is further mentioned that while she was working and eking out her livelihood, the 3rd respondent with the connivance of respondents 4 and 5 deliberately lodged a police complaint

vide Crime No.09 of 2011 of Jonnagiri Police Station, Kurnool District on 24.02.2011 with false averments as if the petitioner was missing in spite of knowing that the petitioner left the house voluntarily due to threat of marriage. The petitioner did not yield to their threats and she has given a statement in writing to the 2nd respondent and to the Sub-Inspect of Police, Jonnagiri Police Station that she was not kidnapped by anybody and on the other hand, she left house voluntarily to pursue her studies and her carrier to achieve her goal. She thus expressed her apprehension that in case she was restored to her parents, they might arrange a marriage to her forcefully. She asserted that with the help of her friends and well-wishers she is safe and secure and left the home voluntarily to pursue her studies and carrier. On all the aforesaid averments, she prayed for a writ of mandamus.

3. Learned Government Pleader for Home has appeared for respondents 1 and 2. Sri J.Janaki Rami Reddy, learned counsel, is appearing for respondent No.3. None appears for the respondents 4 and 5.

4. When the matter came up for hearing, on written instructions, learned Government Pleader for Home would submit that after registration of Crime No.09 of 2011, while the investigation was in progress on 15.04.2011, the missing girl i.e., the petitioner herein voluntarily came to the police station and gave a statement stating that on 13.03.2011 she

left the village by informing her parents to go to Gooty for attending marriage and later, she went along with one Mr.Krishna Murthy, who is her friend. On knowing that her parents gave a police complaint, she went to the house of one elderly person of Tuggali village by name Nagendra and along with him, she came to the police station and gave the aforesaid statement. Learned Government Pleader would further submit that on receipt of the statement of the petitioner, the parents of the petitioner were summoned who interacted with the missing girl and they voluntarily gave a statement by expressing their satisfaction regarding the police action in showing their daughter. Thus, the investigation revealed that the girl left her parental house voluntarily on 13.03.2011, as the parents wanted to perform her marriage against her will and later on knowing the fact that her parents gave the complaint regarding her disappearance, the petitioner voluntarily appeared in the police station and revealed the entire facts relating to her disappearance and requested the police to drop the further action in the case. Thus, the learned Government Pleader, on instructions from Sub-Inspector of Police, Jonnagiri Police Station, Kurnool District, would submit that the police are contemplating to drop the proceedings and if the petitioner seeks any protection, they are ready to extend the same.

5. Respondent No.3 filed counter affidavit denying the petition averments. His version is that the petitioner passed S.S.C. in the year 2005-2006 and thereafter, she did not

evinced any interest to pursue her further studies and on the other hand, the family members never objected the petitioner for her pursuing further studies and petitioner did not reveal what further studies she wanted to pursue nor the nature of the job that she wanted to secure at Hyderabad. It is further mentioned that the respondents 4 and 5, who are elders of the village, never interfered with the personal life and liberty of the petitioner as alleged. It is submitted that as a natural guardian and father, it is the bounden duty of the 3rd respondent to see the welfare of the petitioner and he has no objection whatsoever for her further studies or for her marriage as per her will and wish. But, the only worry of the 3rd respondent is that since the petitioner herein though attained majority but due to immaturity of mind, she cannot take a decision of herself individually. The 3rd respondent is under serious apprehension that she is in the illegal custody of one Mr.B.Krishna Murthy, who is already a married person having a child and he appears to have induced the petitioner herein to continue his illicit relationship with the writ petitioner. Therefore, naturally the 3rd respondent being the father of the petitioner is worried about the future of the petitioner.

6. As can be seen from the counter affidavit filed by the 3rd respondent and submission made by learned Government Pleader for Home, it is not in dispute that the writ petitioner is a major by the date of filing of the writ petition and also by the date of registration of FIR.No.09 of 2011. That being so,

though the apprehension of the 3rd respondent is reasonable but in view of the fact that the petitioner is a major, she can lead her life of her choice and therefore neither the 3rd respondent nor other respondents or for that matter, this Court can impose any restrictions on her future ambitions and goals sought to be achieved by her. The counter affidavit of the 3rd respondent to the effect that the petitioner is under illegal custody of one B.Krishna Murthy is concerned, the statement given by the petitioner before the police is that she is in a safe position with the help and assistance of her friends. In these circumstances, running the risk of repetition, it must be stated that since the petitioner is a major, no restrictions can be imposed on her with regard to her free movement and pursuing of her further studies and employment.

7. In the result, this writ petition is allowed and the respondents are directed not to interfere with the personal life and liberty of the writ petitioner in the matter of pursuing her further studies, employment and other legal activities.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

U.DURGA PRASAD RAO, J

13.08.2018
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