

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.15612 of 2019

1.M.Neveatha
2.T.G.Balajee

.. Petitioners

Vs.

1.State by:

The Superintendent of Police,
Cuddalore District,
Cuddalore 607 001.

2.The Superintendent of Police,
Namakkal District,
Namakkal.

3.The Inspector of Police,
Cuddalore N.T. Police Station,
Cuddalore.

4.N.Muthusamy

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondents 1 and 3 to grant police protection to the petitioners and the family members of petitioner No.2.

For Petitioners : Mr.M.Radhakrishnan

For Respondents : Mr.M.Mohamed Riyaz (for R1 to R3)
Additional Public Prosecutor

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O R D E R

This petition has been filed seeking for police protection to the petitioners' and the family members of 2nd petitioner.

2.It is seen from the records that the 1st and 2nd petitioners loved each other and they decided to get married. Since it was an intercaste marriage, the 1st petitioner's parents opposed the marriage. The 1st petitioner was not able to convince

her parents and she was even threatened with dire consequences. Left with no other option, the 1st petitioner moved out of her house and the petitioners got married on 14.06.2019. Subsequent to the marriage the petitioners started living as a joint family along with the parents of the 2nd petitioner.

3. There was a threat exerted on the petitioners and the family members and therefore a complaint was given before the respondent police seeking for police protection. Since the same has not been acted upon, the present petition has been filed before this Court seeking for appropriate directions.

4. Mr. M. Radhakrishnan, learned counsel appearing for the petitioners submitted both the petitioners are major and they have decided to marry and the marriage had taken place on 14.06.2019. The parents of the 1st petitioner and their family members were protesting against the marriage and were not giving the consent and therefore the 1st petitioner took a conscious decision to move out of the house and thereafter got married to the 2nd petitioner.

5. The learned counsel for the petitioner submitted that the parents of the 1st petitioner and the family members do not have any right to interfere with the life of the 1st petitioner and the petitioners' cannot be threatened or harassed by the parents and family members of the 1st petitioner. The learned counsel brought to the notice of this Court the judgment of the Hon'ble Supreme Court in Arumugam Servai v. State of Tamil Nadu reported in 2011 6 SCC 405 wherein the Hon'ble Supreme Court has categorically held that stern action must be taken against the persons who involve in violence or cause threat to the persons who undergo an intercaste marriage. In spite of such a direction being given by the Hon'ble Supreme Court, the respondent police have failed to take any action on the complaint given by the petitioners.

6. The learned Additional Public Prosecutor representing the respondent police submitted that appropriate action will be taken by the police in accordance with law.

7. It is an admitted fact that the petitioners herein are major and they have every right to decide their life and they cannot be threatened or harassed by the parents or the family members. In fact many thinkers believe that intercaste marriage is the only panacea to root out the evil of caste system. These are days where the younger generation is slowly moving out of the ill-effects of caste system and that is the reason for a lot of intercaste marriages that are happening in the society. These changes must be accepted by the elders and this change is in fact good for the society in rooting out the caste system. As held by

the Hon'ble Supreme Court, the respondent police ought to have taken immediate action on the complaint given by the petitioners seeking for police protection.

8. In view of the above, there shall be a direction to the 3rd respondent to immediately call the parents of the 1st petitioner and their relatives for an enquiry and instruct them not to interfere with the married life of the petitioners. If in spite of the advice, any threat is exerted, immediate action shall be taken against them and if necessary police protection shall be granted for the petitioners and the parents of the 2nd petitioner.

9. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

vs

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore 607 001.
2. The Superintendent of Police,
Namakkal District,
Namakkal.
3. The Inspector of Police,
Cuddalore N.T. Police Station,
Cuddalore.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Radhakrishnan, Advocate SR.No.49343

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NRL (CO)
GMY (19/06/2019)