



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

W.P.No.8875 of 2021

1.A.Ashok

2.Karthika

3.Arumugam

4.A.Revathi

... Petitioners

Vs.

1.The Deputy Commissioner of Police,
Madhavaram, Chennai.

2.The State rep.by,
The Inspector of Police,
Milk Colony Police station,
Madhavaram, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus, directing the respondents 1 and 2 to provide adequate police protection to the petitioners life, by considering the petitioner's complaints dated 06.08.2020.

For Petitioners : Mr.Venkataswamy Babu

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection to the petitioners life, by considering the petitioner's complaints dated 06.08.2020.

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, both side parents opposed the marriage. The 1st petitioner was not able to convince his parents and he was even threatened with dire consequences.



Left with no other option, the 1st petitioner moved out of his house and the petitioners got married on 14.06.2020. Subsequent to the marriage the petitioners started living as a joint family along with the parents of the 1st 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.Venkataswamy Babu, 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 14.06.2020. 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 2nd petitioner and the family members do not have any right to interfere with the life of the 2nd petitioner and the petitioners' cannot be threatened or harrassed by the parents and family members of the 2nd petitioner. The learned counsel brought to the notice of this Court the judgment of the Hon'ble Suprme Court in Arumugam Servai vs. 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. Inspite 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 harrassed 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 infact 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 2nd respondent to immediately call the parents of the 2nd petitioner and their relatives for an enquiry and instruct



them not to interfere with the married life of the petitioners. If inspite 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 1st petitioner.

9. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Bri

To

1.The Deputy Commissioner of Police,
Madhavaram, Chennai.

2.The Inspector of Police,
Milk Colony Police station,
Madhavaram, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Venkataswamy Babu Advocate, S.R.No. 23959

W.P.No.8875 of 2021

GMR(CO)
SB(22/07/2021)