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Writ Petition No.7952 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.7952 of 2024

and

W.M.P.No.8926 of 2024

1. L.Ajay Sudharsan

2. R.Brapavathi

... Petitioners

Vs.

1. The Commissioner of Police,
Hosur Road, Coimbatore – 641 048.

2. The Inspector of Police,
Thondamuthur Police Station,
Coimbatore District.

3. S.Ravichandran

4. Solaimuthu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to provide necessary police protection to the petitioners and to the marriage hall at Western Valley Resorts, The Bungalow Club, Coimbatore on 27.03.2024 by considering their representation dated 16.03.2024 as per the judgment in *Shakti Vahine Vs. UoI (2018 (7) SCC 192)*.

For Petitioners : Mr.N.Manoharan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1 & R2]

ORDER



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This writ petition has been filed for issuance of a writ of mandamus directing the respondents 1 and 2 to provide necessary police protection to the petitioners, who want to marry on 27.03.2024 or on any other future date at a place chosen by the petitioners.

2. Heard Mr.N.Manoharan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. The petitioners fell in love with each other. Both of them belong to different castes. They wanted to marry and the said marriage proposal was opposed by the parents and relatives of the second petitioner. Hence, the petitioners decided to get married and some threat is exerted on the side of the family of the second petitioner. The petitioners, therefore, gave a complaint to the respondent police seeking for police protection to ensure that both of them marry without any hindrance or threat on 27.03.2024 or on any other future date. Since the same was not acted upon, the present writ petition has been filed.

4. When the matter came up for hearing on 22.03.2024, this Court directed the learned Additional Public Prosecutor to take instructions on



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the complaint given by the petitioner. When the matter was taken up for hearing today, learned Additional Public Prosecutor produced the communication received from the Western Valley Resorts, The Bungalow Club, dated 23.03.2024 wherein the resort has informed the police that they have cancelled the function.

5. The petitioners were present at the time of hearing through video conferencing platform. The first petitioner stated that he is carrying on business in the name and style of SLAM Research and Development Consultants. The second petitioner stated that she completed her Bachelor of Medicine and Bachelor of Surgery in the year 2021 and that she is now working as a duty doctor in a hospital at Coimbatore. Both of them stated they are in love with each other and they want to get married. However, it was opposed by the family of the second petitioner and there was some threat. In spite of the opposition, the petitioners want to get married and they have also fixed the marriage on 27.03.2024 at Western Valley Resorts, The Bungalow Club. Accordingly, they sought for police protection.

6. It seems that some pressure has been exerted on the resort and therefore, they have communicated to the police that the function itself has been cancelled. The petitioners, who were present at the time of



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hearing, stated that they will get married on 27.03.2024 or at any other future date in some temple and they want police protection in order to ensure that they are not threatened by the family/relatives/friends of the second petitioner.

7. This Court is redolent with the judgment of the Apex Court in ***Shakti Vahini v. Union of India and others [(2018) 7 SCC 192]***. The Apex Court came down very heavily on opposing intercaste marriages, which, in some cases, results in honour killing. The Apex Court held that right to marry a chosen person is a right that is guaranteed under Article 21 of the Constitution of India and no one has the right to prevent a person's choice of marriage.

8. It is also relevant to take note of the judgment of the Apex Court in ***Lata Singh v. State of U.P. and another [(2006) 5 SCC 475]***. That was also a case where the Apex Court dealt with intercaste/ inter religious marriages. The Apex Court held that the administration/police authorities through out the country will ensure that if any boy or girl, who is a major, undergoes intercaste or inter religious marriage, the couple should not be harassed by anyone nor subjected to any threat or acts of violence.



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9. The above judgments of the Apex Court will squarely apply to the facts of the present case. Both the petitioners are now major and they have a right to marry each other and no one has the right to harass or cause threat to the petitioners. Therefore, even if the marriage slated to be held at Western Valley Resorts, The Bungalow Club, is cancelled, it is left open to the petitioners to marry at any place of their choice. The petitioners shall inform the second respondent or any police taking within the jurisdiction of the venue and date of marriage. On that date, the second respondent or the jurisdictional police, as the case may be, shall provide police protection to the petitioners and the police shall ensure that the life and liberty of the petitioners is not interfered by anyone and if any of the friends or relatives of the second petitioner attempt to cause

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any threat or indulges in violence, strict action shall be taken against them in accordance with law.

In the result, this Writ Petition is disposed of with the above



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direction. No costs. Consequently, connected miscellaneous petition is closed.

25.03.2024

Note: Issue order copy by 26.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Commissioner of Police,
Hosur Road, Coimbatore – 641 048.
2. The Inspector of Police,
Thondamuthur Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

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