

K. Parthipan Vs The State

Court: Madras High Court

Date of Decision: July 28, 2011

Hon'ble Judges: T. Sudanthiram, J

Bench: Single Bench

Advocate: K. Thilageswaran, for the Appellant; M. Mohamed Riyaz, Government Advocate, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

T. Sudanthiram, J.

The learned Counsel for the Petitioner submits that the Petitioner fell in love with one Kalaivani, but the parents of the

said Kalaivani arranged for her marriage with their relative and she was forced to give her consent. In such circumstances, with No. other option,

she left her parental home. Both the Petitioner and the said Kalaivani were major. They arranged for their marriage and with the help of well-

wishers and friends, the Petitioner married the said Kalaivani on 22.05.2011 at Vetrivel Murugan Thirukoil, Jalakamparai Village, Perumapattu

Post, Thirupattur Taluk, Vellore District. The marriage was also registered in the Sub-Registrar Office, Pollachi on 20.06.2011 in Serial No. 104.

He further submits that the Petitioner's parents are harassed by the parents and relatives of the Petitioner's wife Kalaivani. The Petitioner belongs

to Scheduled Caste Community and his wife belongs to Backward community. The Petitioner apprehends danger. Though the Petitioner and his

wife had sent complaints to the District Collector, Dharmapuri, seeking for protection, No. protection has been given to them. An affidavit of

Kalaivani dated 27.07.2011 also has been filed before this Court.

2. The learned Counsel for the Petitioner also relied on the decision of Supreme Court reported in Subhaga and Others Vs. Shobha and Others, in

which a direction has been ordered and the same runs as follows:

The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be

united to face the challenges before the nation unitedly. Hence inter-caste marriages are in fact in the national interest as they will result in

destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo

intercaste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or

harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person

becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious

marriage the maximum they can do is that they can cut-off social relations with the son or the daughter, but they cannot give threats or commit or

instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the

administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious

marriage with a woman or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who

gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by

the police against such persons and further stern action is taken against such persons as provided by law.

3. Considering the direction of the Hon"ble Supreme Court and as the Petitioner's marriage with Kalaivani appears to be valid in law, they have

right to live together and they cannot be obstructed by any one. In such circumstances, the Respondent police is directed to give adequate

protection to the Petitioner and his wife as and when required.

4. This Criminal Original Petition is ordered accordingly.