

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10880 of 2021



... Petitioner

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to grant police protection to the petitioner based on the petitioner's representation to the respondent dated 22.06.2021.

For Petitioner : Mr.V.Chethana

For Respondent : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking Police Protection based on the petitioner's representation dated 22.06.2021 given to the respondent Police.

2.The case is that the petitioner is residing in [REDACTED] receiving frequent life threats from her family members ever since. She disclosed that she was a queer person belonging to LGBTQIA + community. On 17.04.2021, the petitioner fearing for life and her safety, she left home. Thereafter, she was constantly receiving life threat calls and harassment by her family members who are searching to know about the whereabouts of the petitioner to take her to their native village [REDACTED]. On 22.04.2021, the petitioner's father's brothers sent a Whatsapp message of an FIR in Crime No.139 of 2021 filed against her for 'Women Missing, despite they were in contact with the petitioner, and well aware that the petitioner left home on her own to protect herself. The FIR in [REDACTED] filed by the Inspector of Police, [REDACTED] Police Station, [REDACTED] District is without any bonafide, and the same is filed concealing the real facts. The petitioner is a major who consciously and deliberately left her native to escape from her abusing family members and she is now living with her friend [REDACTED]. Since threatening calls are increasing, her life and safety has become questionable. The petitioner's

apprehension is that they may resort to honour killing or adopt other tactics to cause grievous physical harm to her. In view of the same, the petitioner has requested for Police Protection.

3.The learned counsel for the petitioner submitted that petitioner immediately after completing 12th STD, when she was only 17 years old, she was not permitted to pursue higher education and forcibly given in marriage. The petitioner in course of time, realized that she was queer and could not stay in a heterosexual marriage. As a result, the petitioner and her husband have fallen apart and nothing survives in the marriage. The learned counsel further submitted that the petitioner came in contact with her friend [REDACTED] and both stayed together for few weeks in her hometown. At that time, the said [REDACTED] filed an FIR, as a result, the said [REDACTED] was forcibly taken away by her brother, despite [REDACTED] being a major. The petitioner tried to reason out with her family members that no longer heterosexual relationship interested her. The family members of the petitioner thereafter subjected her to immense verbal and physical abuse. The petitioners family members informed that

they would rather not have a daughter at all, someone like her. The petitioner left her house on 17.04.2021 along with her friend [REDACTED] on her own accord. The petitioner is a major and she can decide her path of life as she wishes.

4.The learned counsel for the petitioner further submitted that now the petitioner is a major and 24 years of age and she could take decision about her future and where she wanted to live. The petitioner's father's brother sent photo copy of the [REDACTED] through Whatsapp on 22.04.2021. The family members of the petitioner by using this FIR attempting to forcibly take the petitioner back to their native place. The petitioner's father's brother after consuming alcohol regularly utters filthy language and abusing her. The petitioner's family members informed the petitioner that she brought dis-repute to them and they wanted to ensure that she is not alive. Hence, she prayed for police protection.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that on the complaint of the petitioner's mother, a case in [REDACTED] for 'Women Missing' was registered on 19.04.2021. From the complaint, it is seen that on 17.04.2021, the petitioner informed her mother that she received a call from her husband and left home and thereafter, failed to return. On the next day morning, at about 08.00 a.m., having doubt over the petitioner's relationship with one [REDACTED] the petitioner's mother called [REDACTED] the brother of [REDACTED] and later, came to know that the said [REDACTED] was also found missing. They suspect that the petitioner could have joined the said [REDACTED] since the petitioner and [REDACTED] were having lesbian relationship. The learned Government Advocate further submitted that this Court in W.P.No.7284 of 2021, dated 07.06.2021 issued certain protection and guidelines for the persons belongs to LGBTQIA+ community and the relevant portion is extracted as follows:-

“43.This Court proceeds to issue the following interim guidelines/directions:-

A.The Police, on receipt of any complaint regarding girl/woman/man missing cases which upon enquiry/investigation is found to involve consenting adults belonging to the LGBTQIA+ community, shall upon receipt of their statements, close the complaint without subjected them to any harassment.”

6.This Court considered the rival submissions and perused the materials available on record.

7.The petitioner admitted that she belongs to LGBTQIA+ community. The parents of the petitioner on earlier occasion had forcibly separated the petitioner and [REDACTED]. Now, the petitioner and [REDACTED] are living together and they are conscious about their relationship. This Court in W.P.No.7284 of 2021 dated 07.06.2021 has issued guidelines to the Police considering the precariousness, in which such people are made to lead their life.

8.In view of the above, the respondent Police is directed not to cause any harassment and also give appropriate protection for the safety and life of the petitioner following the guidelines issued by this Court in W.P.No.7284 of 2021, dated 07.06.2021.

9.With the above directions, this Criminal Original Petition is disposed of.

25.06.2021

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Index: Yes/No
Internet: Yes/No

To

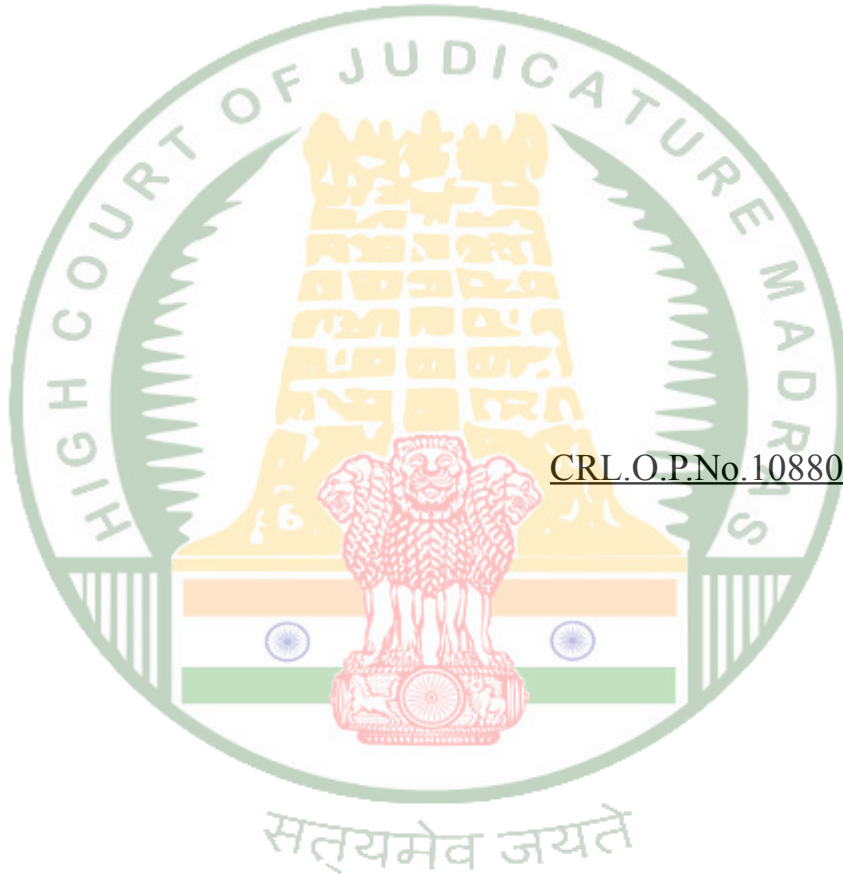
1.The Inspector of Police,
Velur,
Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

WEB COPY

M.NIRMAL KUMAR, J.

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