

In the High Court of Judicature at Madras

Dated: 27.01.2016

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.2940 of 2015

B.Sathishkumar

..Petitioner

Vs.

1. The Inspector of Police,
E-1, Paramathi Velur Police Station,
Namakkal District.
2. R.Palaniyappan
3. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.
4. The Deputy Inspector General of Registration,
Chennai Zone, No.28, Rajaji Salai,
Chennai - 1.
5. The Principal Secretary to Government,
Commercial Taxes and Registration
Department, Fort St. George,
Chennai - 600 009.

(R3 & R4 are Impleaded Suo Motu
as per the Order Dated 26.11.2015
made in HCP.NO.2940/15)

(R6 is Impleaded Suo Motu as per the Order
Dated 21.12.2015 made in HCP.2940/15)

..Respondents

PETITION under Article 226 of the Constitution of India
praying for the issuance of a Writ of Habeas Corpus directing
the respondents to produce the body of the detinue, namely,
P.Rubana, W/o B.Sathishkumar aged about 24 years before this
Court and set her at liberty.

For Petitioner : Mr.T.Arockiadass
For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition is filed by the husband of the detenue seeking direction to the respondents to produce the detenue, P.Rubana, before this Court and set her at liberty.

2. It is the case of the petitioner that he was in love with the detenue and married her on 16.10.2015 and the same was duly registered at District Registrar Office, Chennai North on the same day. In the mean time, the second respondent made a call to the detenue and threatened her. The allegation of the petitioner that the elder son of the second respondent made a call to the detenue stating that her father was so serious. Having believed the same, the detenue went to see her father. But her father detained her in his house. Hence, the petitioner again lodged a compliant with the first respondent police to trace the detenue. Even though, the first respondent has received the complaint, he has not taken any action to trace the detenue. Hence, the present Habeas Corpus Petition has been filed.

3. Since there are lots of inconsistencies and discrepancies in the documents filed in support of the marriage, we are not inclined to issue a Writ of Habeas Corpus as prayed for by the petitioner, as we are not convinced of the marriage certificate that has been produced by the petitioner in the light of the judgment of a Division Bench of this Court in the decision reported in 2014 (6) CTC 129 (S.Balakrishnan Pandiyan V. The Superintendent of Police).

4. Accordingly, this Habeas Corpus Petition stands dismissed. However, we have passed a separate order today to tackle the menace arising out of fake marriage registrations in the Office of the Sub-Registrar, Royapuram and Joint Sub-Registrar - I, North Madras.

sl

Sd/-

Asst.Registrar

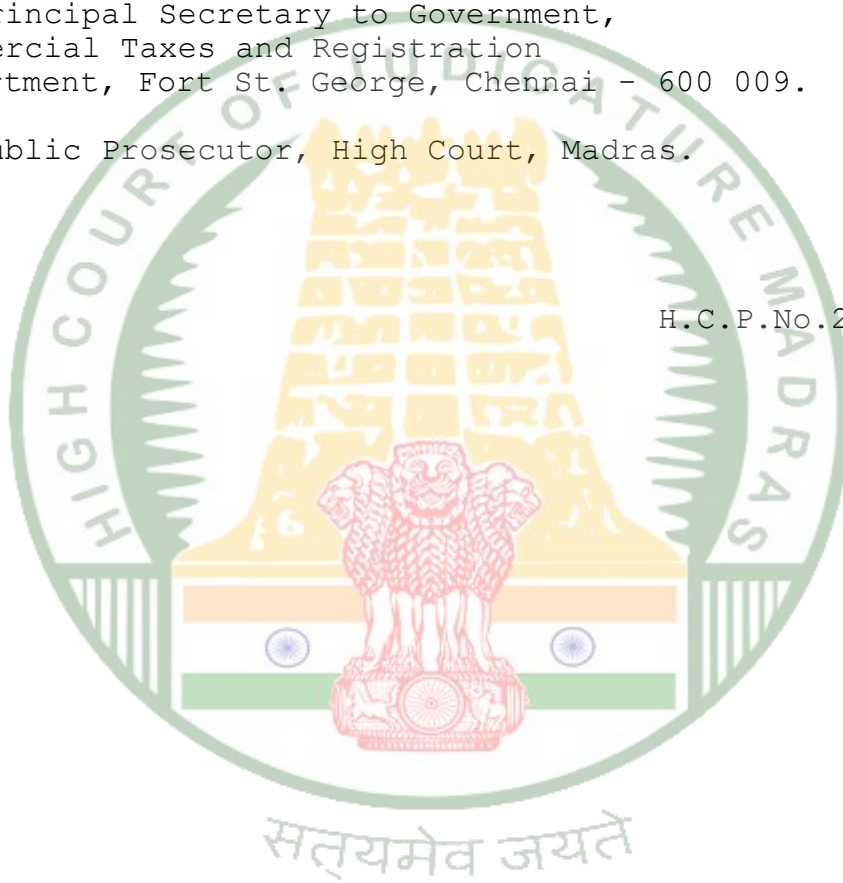
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Sub Asst. Registrar

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Namakkal District.
2. The Inspector General of Registration,
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3. The Deputy Inspector General of Registration,
Chennai Zone, No.28, Rajaji Salai, Chennai - 1.
4. The Principal Secretary to Government,
Commercial Taxes and Registration
Department, Fort St. George, Chennai - 600 009.
5. The Public Prosecutor, High Court, Madras.

KR/5/2/16

H.C.P.No.2940 of 2015



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