

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.2596 of 2015

Parthiban

.. Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
2. Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur.
3. Inspector of Police
Kanagamachatiram Police Station,
Thiruvallur.
4. Rosu Reddy
5. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.
6. The Deputy Inspector General of Registration,
Chennai Zone, No.28, Rajaji Salai,
Chennai - 1.

(R5 & R6 are Impleaded Suo Motu
as per the Order Dated 26.11.2015
made in HCP.NO.2596/15)

(R6 is Impleaded Suo Motu as per the Order
Dated 21.12.2015 made in HCP.2596/15)

.. Respondents

PETITION under Article 226 of the Constitution of India
praying for the issuance of a Writ of Habeas Corpus directing
the respondents herein to produce the body and person of the
petitioner's wife Monisha, daughter of K.Rosu Reddy, female,
aged about 25 years from the illegal detention of the 4th
respondent before this Court and set her at liberty.

For Petitioner : Mr.M.Rajavelu

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 detinue seeking direction to the respondents to produce the detinue, Monisha, before this Court and set her at liberty.

2. It is the case of the petitioner that he got married to Monisha on 11.04.2014 and their marriage has been registered in the Office of the Registrar of Marriages, Chennai North vide Sl.No.1483 of 2014. It is his further case that thereafter, his wife Monisha has been illegally detained by her father, the fourth respondent herein, who is not permitting her to join him. Hence, the present Habeas Corpus Petition has been filed.

3. On 21.12.2015, the detinue appeared before this Court and this Court has passed the following order:

"3. Today, when the matter was taken up for hearing, the fourth respondent produced his daughter and on enquiry, she states that the petitioner Parthiban was living opposite to her house and he enticed her into a fake marriage by eloquent words. She further stated that the petitioner was already married to one Priyadarsini and he has a daughter, by name, Hasini through her. The detinue further stated that she wants to get out of the clutches of Parthiban and wants to live with her parents, whereas, the Partiban is continuing to hound her by giving complaints to the police that she is in the illegal custody of her father.

4. In view of the above statement, we direct respondents 2 and 3 to afford sufficient protection to the detinue and her family against any threat from the petitioner.

5. We find that the detinue is not in the illegal custody of the fourth respondent, warranting issuance of Writ of Habeas Corpus. However, the detinue is at liberty to seek dissolution of the marriage, if she so desires on the ground that the petitioner Parthiban, S/o Elumalai residing at No.4/256, Pavalamalli Street, Poonga Nagar, Thiruvallur - 602 001 has suppressed his earlier marriage to Priyadarshini and cheated her with false

information at the time of registering the present marriage vide Marriage Certificate Sl.No.1483 of 2014.

6. The Inspector of Police, Thiruvallur District, Kanagamma Chatram Police Station, Thiruvallur, The Inspector of Police, Tirutani Crime, Incharge Thiruvallur District Circle and Ms.Arputham, Woman Police Constable, Kanagamachattiram Police Station are present before this Court and their future appearance is dispensed with in this case.

7. Since we are dealing with the larger issue of fake registration of marriages, which is contrary to the decision of a Division Bench of this Court in the decision reported in 2014 (6) CTC 129 (S.Balakrishnan Pandiyan V. The Superintendent of Police), this matter should be tagged along with the fake marriage registration batch."

4. 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).

5. 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.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
2. The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur.

3. The Inspector of Police
Kanagamachatiram Police Station,
Thiruvallur.
4. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.
5. The Deputy Inspector General of Registration,
Chennai Zone, No.28, Rajaji Salai,
Chennai - 1.
6. The Public Prosecutor, High Court, Madras.

KR/5/2/16

H.C.P.No.2596 of 2015



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