

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.2766 of 2015

K.Natarajan

.. Petitioner

Vs.

1. State rep. by the Inspector of Police,
Kadampuliyur Police Station,
Panruti Taluk, Cuddalore District.
2. State Rep. by the Inspector of Police,
All Women Police Station,
Panruti, Panruti Taluk, Cuddalore District.
3. State Rep. by the Superintendent of Police,
Cuddalore, Cuddalore District.
4. T. Sivakumar
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.2766/15)

(R6 is Impleaded Suo Motu as per the Order
Dated 21.12.2015 made in HCP.2766/15)

.. Respondents

PETITION under Article 226 of the Constitution of India
praying for the issuance of a Writ of Habeas Corpus directing
respondents 1 to 3 herein to produce the body of the detinue,
the petitioner's wife, namely, Mrs.N.Bagyalakshmi, aged about 27
years, before this Court and set her at liberty.

For Petitioner : Mr.S.Viswanathan

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 detenu seeking direction to the respondents to produce the detenu, N.Bagyalakshmi, before this Court and set her at liberty.

2. It is the case of the petitioner that he was in love with the detenu and married her on 17.02.2014 before Marriage Registrar, District Registrar Office, Chennai North Joint -I vide Registration No.490 of 2014. The petitioner states that they lived happily for a period of ten months and thereafter, the parents of the detenu visited her and accepted their marriage. Thereafter, the petitioner, the detenu and her family were in good terms. Subsequent to that, when the detenu was not feeling well and was staying with her parents, she called the petitioner to take her back. When the petitioner went to the house of the detenu, the detenu was not there and the fourth respondent threatened him with dire consequences. Hence, the petitioner lodged a complaint before the second respondent. As the second respondent did not initiate any action to secure the detenu, the present Habeas Corpus Petition has been filed.

3. On 21.12.2015, the detenu was produced before this Court and this Court passed the following order:

"No representation for the petitioner. When the matter was taken up for hearing, the alleged detenu, Bagyalakshmi was produced before the Court.

2. Upon enquiry, the detenu/Bagyalakshmi stated that she was abducted by the petitioner and his gang and registration of marriage was done based on a Certificate dated 17.02.2014 given by Mr.D.Govindarajulu, B.Sc.,LLB., Advocate, Enroll.No.137/1996, No.154, Angappa Naicken Street, 1st Floor, Chennai 600 001.

3. Recording the presence of the detenu, we find that this is not a case of illegal detention and hence, her presence for future hearings is dispensed with.

4. Inasmuch as there is threat to the life of the detainee, we instruct the learned Additional Public Prosecutor to inform the police concerned to give protection to the detainee/Bagyalakshmi and her parents.

5. Since we are dealing with the issue of "Registration of fake marriages" in a batch of cases, this petition is kept pending to be taken up along with the said batch.

Post on 05.01.2016."

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 with 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. The respondent - police is directed to provide sufficient protection to the detainee N.Bagyalakshmi and her family members.

sl

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

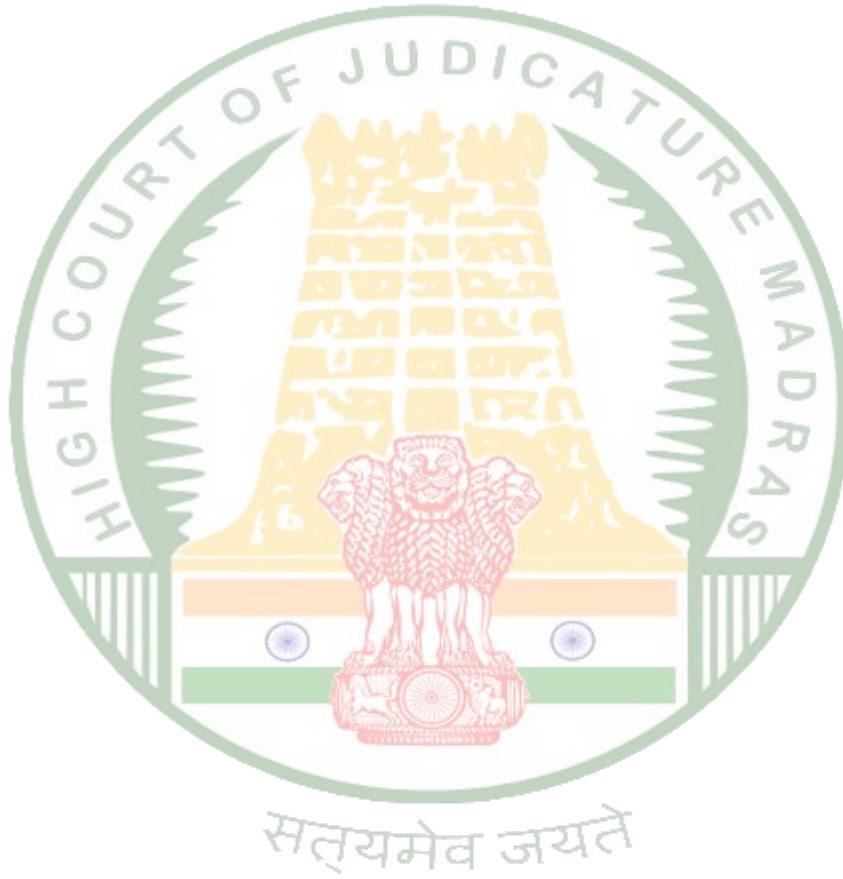
To

1. The Inspector of Police,
Kadampuliur Police Station,
Panruti Taluk, Cuddalore District.
2. The Inspector of Police,
All Women Police Station,
Panruti, Panruti Taluk, Cuddalore District.
3. The Superintendent of Police,
Cuddalore, Cuddalore District.
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.2766 of 2015



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