

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.3018 of 2015

Mr.A.Thirunavukarasu

..Petitioner

Vs.

1. The Inspector of Police (L&O)
E-5 Sholavaram Police Station,
Sholavaram, Thiruvallur District,
Chennai - 67.
2. Chan Basha
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.3018/15)

(R6 is Impleaded Suo Motu as per the Order
Dated 21.12.2015 made in HCP.3018/15)

..Respondents

PETITION under Article 226 of the Constitution of India
praying for the issuance of a Writ of Habeas Corpus directing
the first respondent to produce the detenu Saidha Banu, the
petitioner's wife before this Court and set her at liberty.

For Petitioner : Mr.A.P.Surya Prakasam
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, Saidha Banu, 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 27.10.2015 and the same was duly registered at District Registrar Office, Chennai North vide Registration No.4676 of 2015. The petitioner states that after the intervention of friends and relatives, the parents of the detenue accepted their marriage and were in goods terms for some time. Thereafter, on 04.11.2015, when the petitioner and the detenue went to the residence of the detenue, the father of the detenue requested the petitioner to allow the detenue to stay with him for some time. Hence, the petitioner allowed the detenue to stay with her father. Thereafter, the father of the detenue told the petitioner that their family relatives were against their marriage and hence, he did not want to send back the detenue. It is the allegation of the petitioner that when the petitioner objected to this, the second respondent chased the petitioner out from the locality. Hence, the petitioner lodged a complaint before the first respondent. Even though, the second 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 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).

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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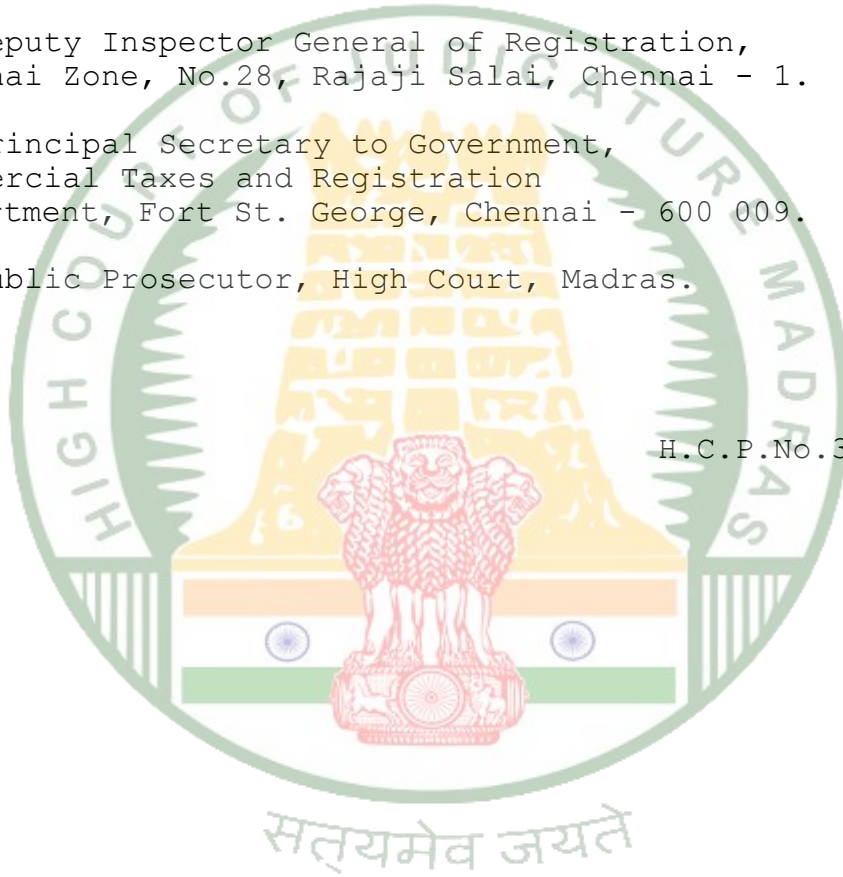
Sub Asst. Registrar

To

1. The Inspector of Police (L&O)
E-5 Sholavaram Police Station,
Sholavaram, Thiruvallur District,
Chennai - 67.
2. The Inspector General of Registration,
No.100, Santhome High Road, Chennai - 28.
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.3018 of 2015



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