

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.3109 of 2015

Santhosh

.. Petitioner

Vs.

1. State by
Inspector of Police,
Selaiyur Police Station,
Chennai - 600 073.
2. The Inspector of Police,
H1, Washermenpet Police Station,
Chennai - 600 021.
3. T.V.Paramasivam
4. The Principal Secretary to Government,
Commercial Taxes and Registration
Department, Fort St. George,
Chennai - 600 009.

(R4 impleaded Suomotu as per the
order dt.21.12.2015 made in HCP3109/15

.. Respondents

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondents herein to produce the body and person of the
detenue, by name, Kavini Lavu, aged about 21 years, before this
Court and set her at liberty, now under the illegal detention of
the 3rd respondent herein and restore her to the custody of the
petitioner herein.

For Petitioner : Mrs.Hema Sampath, S.C.
for Mr.K.Prabhakaran

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, Kavini Lavu, 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 23.10.2015 and the same was duly registered at the Office of the Sub-Registrar, Chennai North vide Registration No.4583 of 2015. The petitioner states that on coming to know about the relationship, the father of the detenue detained the detenue illegally in his house and threatened the petitioner with dire consequences. Hence, the petitioner sent a complaint to the first respondent police through registered post. Since the first respondent did not take any action on the said complaint, the present Habeas Corpus Petition has been filed.

3. When the matter was called today, the detenue, the petitioner and the third respondent, who is the father of the detenue are present. On enquiry, the detenue states that her date of birth is 05.10.1995; she voluntarily came out of the house of the third respondent and now she is living with the petitioner peacefully. She expresses her willingness to go with the petitioner only. The father of the detenue, who is the third respondent herein states that he has reconciled himself on the issue.

4. We find that there are lots of inconsistencies and discrepancies in the documents filed in support of the marriage and we are not convinced with the marriage certificate that has been produced by the petitioner. Hence, we are not inclined to issue a Writ of Habeas Corpus as prayed for 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

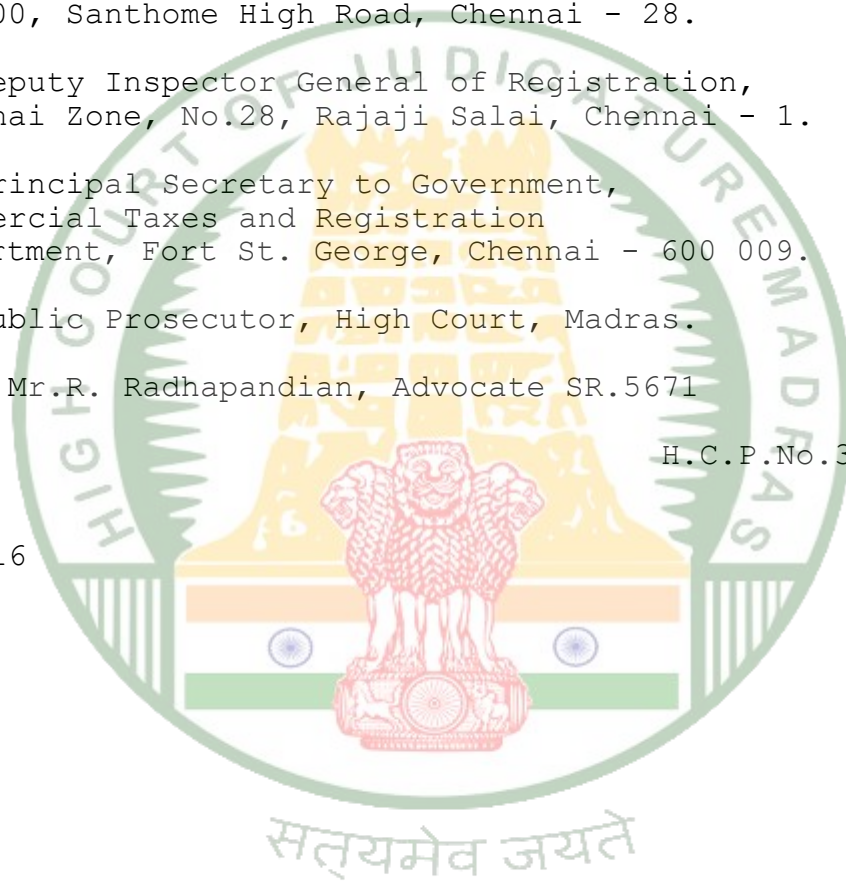
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To

1. The Inspector of Police,
Selaiyur Police Station,
Chennai - 600 073.
 2. The Inspector of Police,
H1, Washermenpet Police Station,
Chennai - 600 021.
 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.
 6. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.R. Radhapandian, Advocate SR.5671

H.C.P.No.3109 of 2015

SAI (CO)
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