

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.443 of 2015

T.Rajiv

..Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
2. State rep. by
Inspector of Police (L&O),
J1, Saidapet Police Station,
Saidapet, Chennai - 600 015.
3. B.Balaji
4. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.
5. The Deputy Inspector of Registration,
Chennai Zone, No.28, Rajaji Salai,
Chennai - 1.
6. The Principal Secretary to Government,
Commercial Taxes and Registration
Department, Fort St. George,
Chennai - 600 009.

(R4 & R5 are Impleaded Suo Motu as per the Order
Dated 26.11.2015 made in HCP.443/15)
(R6 IS IMPLEADED Suo Motu as per the Order
Dated 21.12.2015 made in HCP.443/15)

..Respondents

PETITION under Article 226 of the Constitution of India
praying for the issuance of a Writ of Habeas Corpus directing
the second respondent herein to produce the body of the
petitioner's wife, the detinue, namely, Rekha.B aged 23 years,
under the illegal custody of the third respondent before this
Court and set her at liberty.

For Petitioner : Mr.G.Krishnamurthy

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, Rekha.B, before this Court and set her at liberty.

2. It is the case of the petitioner that he was in love with the detinue and married her on 30.1.2015 before District Registrar Chennai North, vide Registration No.136 of 2015. Thereafter, the parents and relatives of the detinue, after conciliation, fixed the reception on 06.02.2015. In the meantime, the third respondent, in the absence of the petitioner, came to the house of the petitioner and kidnapped the detinue. In spite of several communications with the detinue and her family, the petitioner is not able to reach the detinue. Hence, he filed a complaint before the second respondent on 10.02.2015. Since the second respondent did not take any action, 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

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
2. The Inspector of Police (L&O),
J1, Saidapet Police Station,
Saidapet, Chennai - 600 015.
3. The Inspector General of Registration,
No.100, Santhome High Road, Chennai - 28.
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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.G.Krishnamurthy, Advocate Sr No.4721

+ 1 cc to M/s.S.V.S.Elamvazhuthi, Advocate Sr 4945

KR/5/2/16

H.C.P.No.443 of 2015

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