

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.No.1014 of 2016

G.Subramani
S/o Gnanaprakasam

... Petitioner/Father of the
detenue

Vs.

1.The State rep by
Inspector of Police,
Manimangalam,
Kancheepuram District.

2.The Deputy Director of Police,
Kancheepuram Range,
Kancheepuram.

3.T.Karthick
S/o.Palanisamy

4.Muthukumar

5.The Sub Registrar,
Office of the Sub Registrar,
Royapuram,
Chennai - 600 013.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus to direct the respondents to produce the body of the detenue S.Nivetha, daughter of Subramanian aged about 20 years now detained under the custody of the 3rd respondent and set the detenue at liberty forthwith.

For Petitioner : Mr.V.Lakshminarayanan

For Respondents: Mr.M.Maharaja,
Additional Public Prosecutor (R1 & R2)

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner would state that his daughter namely S.Nivetha was studying B.Com in T.M.G.College at Manimangalam Village and he dropped his daughter on 06.04.2016 to attend the examination. Thereafter, she did not return and when he tried to contact her through her mobile, it was found switched off. He lodged a complaint on 07.04.2016 to the 3rd respondent and the Community Service Register was given to him. The grievance expressed by the petitioner is that his daughter has been kidnapped by the 3rd respondent with the help of his friend namely Muthukumar and since no steps have been taken by the jurisdictional police to trace his daughter, he has come forward to file this Writ Petition.

2.When the Habeas Corpus Petition was called on 12.05.2016, this Court directed the Registry to list the matter on 13.05.2016 to enable the police to trace out the detainee and to produce her before this Court for the purpose of verifying as to whether she had willingly got married to the 3rd respondent. On 13.05.2016, this Court had recorded the undertaking given by the learned Additional Public Prosecutor that he would produce the detainee and sought to list the matter today before this Court.

3.When the matter was called today, the detainee appeared and seems to state that she was born on 03.05.1995 and on her own volition she loved and married the 3rd respondent and also invited the attention of this Court to the marriage certificate issued by the Sub Registrar Office, Royapuram dated 15.04.2016 to evidence the fact that the detainee and the 3rd respondent got married. The 3rd respondent is also enquired by this Court and stated that though he is yet to complete his B.Com., degree, he would take care of his wife as a dutiful husband.

4.The learned counsel appearing for the petitioner would submit that the documents produced by the detainee for the purpose of registration of the marriage are false and fabricated and this Court may issue appropriate guidelines to the Sub Registrar's Office not to do so.

5.This Court has considered the rival submissions.

6.The detainee is a major as she was born on 03.05.1995. On enquiry she would state that on her own volition, she loved and married the 3rd respondent. To evidence the same, she has also produced the marriage registration certificate dated 15.04.2016

given by the Office of the Sub Registrar, Royapuram. The 3rd respondent would also state that he married the detainee and also undertakes to maintain her without any harassment as a dutiful husband.

7. Though the learned counsel for the petitioner would submit that the documents produced for the purpose of registration have been fabricated, this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India in this Habeas Corpus Petition, cannot issue any direction to the 5th respondent. The petitioner is at liberty to work out the remedy as against the concerned officials in accordance with law.

8. The Habeas Corpus Petition is closed subject to the above observations.

Sd/-
Assistant Registrar/VO

//True Copy//

Sub Assistant Registrar

va/ds

To

1. The State Inspector of Police,
Manimangalam,
Kancheepuram District.

2. The Deputy Director of Police,
Kancheepuram Range,
Kancheepuram.

3. The Sub Registrar,
Office of the Sub Registrar,
Royapuram,
Chennai - 600 013.

4. The Public Prosecutor,
High Court, Madras 104.

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