

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.389 of 2017

B.Ramanujam

.. Petitioner

Vs

1.The Superintendent of Police,
Vellore District,
Vellore.

2.The Inspector of Police,
Ranipet police Station,
Vellore District.

3.Syed.

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to the respondents to cause the production of the body and person of petitioner's wife K.Barkath Nisha, daughter of Mohammed Kasim, aged about 22 years, before this Court set her at liberty.

For Petitioner : K.P.Chandrasekaran.

For respondents: Mr.V.M.R. Rajentren
Addl. Public Prosecutor

ORDER

(Order of the Court was made by S. NAGAMUTHU,J.,)

The petitioner has come up with this Habeas Corpus Petition alleging that he married K. Barkath Nisha on 19.10.2015 and the said marriage was also registered before the Marriage Registrar, District Registrar Office, Chennai-North Joint I. According to the petitioner, his wife K. Barkath Nisha has been illegally detained by the third respondent.

2. When this Habeas Corpus Petition came up for hearing on 09.03.2017, we noticed that the marriage Certificate issued by the Marriage Registrar, Chennai-North Joint I. The said certificate revealed that the petitioner is a Hindu, whereas, Ms.K. Barkath Nisha is a Muslim. When that be so, how the

Registrar registered the said marriage, though the marriage was solemnised on 19.10.2015 at No.58/9, Moore Street, Mannady, Chennai - 600 001.

3. There is no indication that either the petitioner converted himself as Muslim and then married Ms.Bargath Nisha, a Muslim. Accordingly, neither there is any material to show that Ms.K. Bargath Nisha converted herself to Hindu and married the petitioner. Therefore, we directed the Marriage Registrar, Chennai North, Joint-I to be present before this Court.

4. Today, when the matter was taken up for hearing, the Marriage Registrar, Chennai North, Joint-I made appearance. He produced the file including the application made by the parties for registration of the marriage.

5. The learned counsel for the petitioner has made an endorsement, not pressing the Habeas Corpus Petition. In our considered view, though the petition deserves to be dismissed, the Inspector General of Registration should look into the file relating to the registration of the marriage (Marriage Sl.No.4550/2015) and take necessary action against the Officer, if the Inspector General of Registration finds the registration of the said marriage amounts to misconduct. With the above observations, the habeas corpus petition is dismissed as withdrawn.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr
To

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Ranipet Police Station
Vellore District.
3. The Public Prosecutor,
High Court, Chennai.
4. The Inspector General of Registration,
Chennai.

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MSM(CO)
RS (04/04/2017)