



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2017

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**THE HON'BLE MR.JUSTICE P.N.PRAKASH**

W.P. (MD) No.6465 of 2017

Raychel

... Petitioner

-vs-

1. The Government of Tamilnadu,  
Rep. by its Principal Secretary,  
Home Department,  
Fort St.George, Chennai-600 009.
2. Christian Marriage Registrar,  
Mr.Daniel,  
Licence No.GO MS No.301,  
Uthumalai, Tirunelveli District.
3. The Inspector of Police,  
All Women Police Station,  
Kanyakumari District.
4. Sahaya Jose Michel Raja

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, forbearing the respondents from making use of the marriage certificate No.95 dated 16.06.2016 issued by the 2nd respondent for any purpose since the same is created and bad in the eye of law, directing the 3rd respondent to take appropriate action against the 4th respondent based on the petitioner's complaint dated 19.06.2016 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.Ananth C.Rajesh

For R1 to R3 : Mr.T.S.Mohammed Mohideen,  
Addl. Govt. Pleader

For R4 : Mr.P.M.Vishnuvarathanan

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O R D E R

This petition has been filed, seeking to forbear the respondents from making use of the marriage certificate No.95 dated 16.06.2016 issued by the 2nd respondent for any purpose since the same is created and bad in the eye of law, directing the 3rd respondent to take appropriate action against the 4th respondent based on the petitioner's complaint dated 19.06.2016.



2. It is the case of the petitioner that the 4th respondent had set up someone and had got registered a fake marriage on 16.06.2016 as if he had got married to her and therefore, she has come up with the above prayer.

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3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for R1 to R3 and the learned counsel for R4.

4. Learned counsel for R4 submitted that the petitioner was in love with R4 and that both of them have voluntarily gone to the Registrar's office and registered the marriage on 16.06.2016 and thereafter, at the instigation of her parents, the petitioner is now repudiating the said marriage. Learned counsel for R4 further submitted that R4 filed HCP(MD) No.785 of 2016 before this Court for a direction to the Police to produce the petitioner, on the ground that he had got married to her and that she is being illegally detained by her parents. On 18.07.2016, this Court had passed the following order in HCP(MD) No.785 of 2016:

"The third respondent produced the detenu before us. The detenu informed us that she is not in illegal custody and presently, she is residing with her parents.

2. We have examined the petitioner also.

3. The detenu is a major. She is set at liberty."

4. The Habeas Corpus Petition is closed with the above observation."

5. On a reading of the above order, it is clear that both the petitioner and R4 were examined by the Hon'ble Division Bench of this Court and since the petitioner wanted to go with her parents, HCP was closed by recording the same. In H.C.P.Nos.2767 of 2013 and 2141 of 2014 [S.Balakrishnan Pandiyan and another vs. The Superintendent of Police, Kanchipuram, Kanchipuram District and others] decided on 17.10.2014, a Hon'ble Division Bench of this Court had discussed in detail the issue relating to fake marriage certificates, wherein this Court had laid down certain guidelines with regard to the usage of such certificates.

6. In view of the above, no omnibus mandamus as prayed for by the petitioner can be granted. If there is any threat or intimidation from R4, it is always open to the petitioner to approach the respondent Police and lodge a complaint. In the event of filing any such complaint, the Police shall take appropriate action on the same to protect the petitioner from any threat from R4.



7. With the above observation, this petition is closed with liberty to the petitioner to work out her remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To:

1. The Principal Secretary to Government of Tamilnadu,  
Home Department,  
Fort St.George, Chennai-600 009.
2. Mr.Daniel,  
Christian Marriage Registrar,  
Licence No.GO MS No.301,  
Uthumalai, Tirunelveli District.
3. The Inspector of Police,  
All Women Police Station,  
Kanyakumari District.

+One cc to The Special Government Pleader, SR.No.51760

+One cc to Mr.Ananth C.Rajesh, Advocate, SR.No.51594

+One cc to Mr.P.M.Vishnu Varthanan, Advocate, SR.No.51413

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RL/7C/3P/SV/MMS/SAR2/27.4.2017

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