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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 06.02.2018
CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
HCP.No.163/2018

V.Ganesan

..Petitioner

Versus

1.The Inspector of Police
E2 Peelamedu Police Station
Coimbatore.

2.Mr.Vignesh

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus directing the 1st respondent to produce the body of the petitioner daughter Mahalakshmi aged about 19 years the detinue from the illegal custody of the 2nd respondent before this Court and set her at liberty at once.

For Petitioner : Mr.B.Mohanraj
For R1 : Mr.V.M.R.Rajentran, APP
For R2 : Mr.E.Lenin

ORDER

[Order of the Court was made by C.T.SELVAM, J.,]

Petitioner is the father of the alleged detinue / girl G.Mahalakshmi, aged 19 years. She has been produced before this Court by the 1st respondent. She is accompanied by one Micheal Vignesh, son of Mr.M.Baskaran, as also his parents. The petitioner/father of the girl and his wife are present.

2 Initially, Mahalakshmi and Micheal Vignesh informed us that their marriage has been registered before the Registrar of Marriages, Office of the Sub Registrar, Poonamallee, on 22.01.2018. They produced a Marriage Certificate issued by the Office of the Sub Registrar Poonamallee bearing Sl.No.5/2018. In support of their contention that Micheal Vignesh was of marriageable age, they have produced a Xerox copy of the Record Sheet ostensibly issued by the Principal, Government Adi Dravidar Welfare High School, Kolapancherry, Chennai-72, Tiruvallur District. The same reflects the date of birth of Vignesh as 07.06.1995.



3 Learned counsel for the petitioner produced a Xerox copy of the Transfer Certificate issued by S.A. Polytechnic College, Chennai dated 29.02.2016. The same pertains to Vignesh, informs of his having studied I Year in Diploma in Electrical and Electronics Engineering and that his date of Birth is 19.10.1997.

4 Though Vignesh as also his parents and the girl Mahalakshmi sought to stand by the Record Sheet informing the date of birth of Vignesh as 07.06.1995 and that Vignesh had never attended S.A. Polytechnic College, after much probing, they eventually accepted that Vignesh indeed had been a student of such Institution.

5 Parents of Mahalakshmi, alleged detinue herein, stated that Mahalakshmi had informed them of her intent to marry Vignesh and of their advising her there against in the immediate present, since both Mahalakshmi and Vignesh had only maintained telephonic contact and that she should await the completion of her studies. Both Mahalakshmi and Vignesh admit of having met at a wedding at Tiruppur and that they had maintained contact over phone.

6 The petitioner's wife / mother of Mahalakshmi as also the petitioner were in tears and petitioner informs of being an auto-rickshaw driver, of Mahalakshmi being the eldest of three daughters and of his dutifully accompanying her to school and back by his auto-rickshaw. Both mother and father of the girl inform that they had been absolutely protective towards their daughter and they never had imagined that she would conduct herself in the manner she has.

7 When eventually Mahalakshmi and Vignesh were forced to accept the position that the Record Sheet was false and that Vignesh had indeed joined Polytechnic course in S.A.Polytechnic College, with great reluctance, we were informed that Vignesh had acted with intent of safeguarding Mahalakshmi, who had left her home on her own volition, fearing that she would be forced into marriage and she, had informed him of having taken such a step only while she was on her way to Chennai. This position is also affirmed by Mahalakshmi. They finally informed us that the entire arrangements towards the marriage had been made by their Advocate, namely, Mr.E.Lenin [Enrolment No.175/1995]. A perusal of the entire documents produced before us would show that the same have been prepared by the Advocate and manipulated as if Vignesh is a major and got the marriage registered. We were pained to note this. Legal profession is not mentioned for conducting marriages.



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8 Hence, we consider it appropriate to refer the matter to the BAR COUNCIL OF TAMIL NADU AND PUDUCHERRY for appropriate action. Registry is directed to forward the entire set of papers pertaining to the above Habeas Corpus Petition. Copies of the Certificates produced before us, shall be forwarded to such Body.

9 We also note that the Sub Registrar, Poonamalle, had casually resorted to register the marriage without due and proper verification with regard to the age of the boy and girl. In this regard, the INSPECTOR GENERAL OF REGISTRATION, No.100, SANTHOME HIGH ROAD, CHENNAI-600 028, shall conduct necessary enquiry and take appropriate action legally. Towards enabling him to do so, copies of the following documents are forwarded:-

- [1] Birth Certificate of V.G.Mahalakshmi
- [2] Transfer Certificate pertaining to Vignesh M.B. issued by S.A. Polytechnic College dated 29.08.2006
- [3] Certificate of Registration of Marriage dated 22.01.2018 issued by the Sub Registrar.

10 Detenue Mahalakshmi has also informed her firm intent not to go to her parental home, stating that she wishes to stay at hostel at Chennai and further pursue her studies.

11 Given the above situation, this Habeas Corpus Petition is closed, with directions to the Bar Council of Tamil Nadu and Inspector General of Registration, as above informed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ap

To

1.The Inspector of Police
E2 Peelamedu Police Station
Coimbatore.

2.The Public Prosecutor
High Court, Madras.

3. The Section officer
Criminal Section High Court, Madras



4.The President
Bar Council of Tamil Nadu and Puducherry
High Court, Madras.

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5.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

6.The Sub Registrar Poonamallee

+1 cc to Mr.B.Mohanraj Advocate sr 9109

HCP.No.163/2018

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aa26/03/2018