

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.06.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE M.NIRMAL KUMAR

H.C.P.No.786 of 2018

B.Naresh Kumar

.. Petitioner

Vs.

1. The State rep. By its
Inspector of Police,
Thirunavalur Police Station,
Thirunavalur,
Villupuram District

2. K.Settu

3. S.Shanthi

4. Ganesan

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus in directing the Respondents to produce the body of the detainee, Santhiya Devi w/o B.Nareshkumar, female, aged 21 years [now detained by 2 to 4 Respondents in a secret place] before this Court and set her at liberty.

For Petitioner : Mr.V.Balamurugane

For Respondents : Mr.R.Prathap Kumar for R1
Additional Public Prosecutor

Mr.Camyles Gandhi for Mr.R.Sasikumar
for R2 to R4

O R D E R

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

Heard the Learned Counsel for the Petitioner, Learned Additional Public Prosecutor for the 1st Respondent and the Learned Counsel for the Respondents 2 to 4.

2. The Petitioner / Husband has filed the present Writ of Habeas Corpus Petition praying for passing of an order by this Court in directing the Respondents to produce the body of detinue [his wife], viz., Santhiya Devi, aged about 21 years, now detained by Respondents 2 to 4 in a secret place before this Court and set her at liberty.

3. Today, the 1st Respondent has produced the Detenue, viz., Santhiya Devi, wife of the Petitioner before this Court. This Court has enquired the Petitioner's wife, viz., Santhiya Devi and she informed that her marriage with the Petitioner was duly registered on 18.11.2016 in the office of Joint 1 Sub Registrar, Tindivanam. A Certificate of Registration of Marriage, Government of Tamilnadu issued by the Joint 1, Sub Registrar, Tindivanam dated 18.11.2016 indicates that her marriage was registered at Serial No.71 of 2016 of Register of Marriages, maintained under the Tamil Nadu Registration of Marriages Act, 2009. The said certificate dated 18.11.2016 mentions that the Petitioner and the Detenue, Santhiya Devi, daughter of 2nd Respondent had furnished the particulars in a Memorandum declaring that their marriage was solemnized on 13.11.2016 at Sumangali Mahal, Devangar Street, Tindivanam, Villupuram.

4. It comes to be known that the Petitioner's wife, viz., Santhiya Devi had written her final M.B.A. Exams and she is awaiting for the result. She had stated that she belongs to Vanniyar Community and her husband belongs to Naidu Community. When her parents, namely, the 2nd and 3rd Respondents were searching for alliance for her, she informed that her marriage took place with the Petitioner on 13.11.2016 and she is not interested in the alliance of her parents and it is her parents, who are not accepting the marriage with the Petitioner.

5. When this Court enquired the Detenue, namely, Santhiya Devi, wife of the Petitioner, she informed that she had filed a matrimonial proceedings in H.M.O.P. No.23 of 2018 on the file of Learned Principal Sub Judge, Ulundurpet seeking annulment of her marriage with the Petitioner that took place on 13.11.2016 and the date of hearing is on 09.07.2018.

6. This Court made an enquiry with the Petitioner and he informed to this Court that the registered marriage took place with his wife / Detenue, viz., Santhiya Devi on 13.11.2016 in Pilliyar Temple, [Ganesh Temple] Tindivanam, Villupuram District and the same was registered on 18.11.2016. Further, the Petitioner has informed this Court that he is working as a Safety Engineer and that he holds a Diploma in Engineering and Industrial Safety and presently is employed in Kia Motors Project at Andhrapradesh and earns a monthly salary of Rs.22,000/- [Rupees Twenty Two Thousand only] and further, he

receives Rs.10,000/- [Rupees Ten Thousand only] as allowances.

7. In this connection, a perusal of the Certificate of Registration of Marriage, Government of Tamilnadu, Form No.III, issued by Joint 1, Sub Registrar Office, Tindivanam in a crystalline fashion indicates that the marriage of the Petitioner and Detenue, viz., Santhiya Devi was solemnized on 13.11.2016 at Sumangali Mahal, Devangar Street, Tindivanam, Villupuram District and the same was registered on 18.11.2016. Hence there is a serious discrepancy / contradiction / Simmering Doubt with regard to the actual / exact place as to where the marriage took place.

8. Be that as it may, in view of the fact that the Petitioner's wife, Santhiya Devi, aged 21 years had filed H.M.O.P.No.23 of 2018 on the file of Learned Principal Sub Judge, Ulundurpet, seeking Annulment of marriage with the Petitioner that took place on 13.11.2016 and the date of hearing of the said proceedings is on 09.07.2018, this Court directs the Petitioner to workout his remedy before the Learned Principal Sub Judge, Ulundurpet where matrimonial proceeding in H.M.O.P.No.23 of 2018 is pending, of course, in the manner known to Law and in accordance with Law. Liberty is granted to the Petitioner to raise all factual and legal issues before the trial Court by taking part in the pending proceedings and contest the same in a comprehensive and complete manner.

With the aforesaid observations, the Writ of Habeas Corpus Petition stands disposed of.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

ssd

To

1. The Learned Principal Sub Judge,
Ulundurpet

2. The State rep. By its
Inspector of Police,
Thirunavalur Police Station,
Thirunavalur,
Villupuram District

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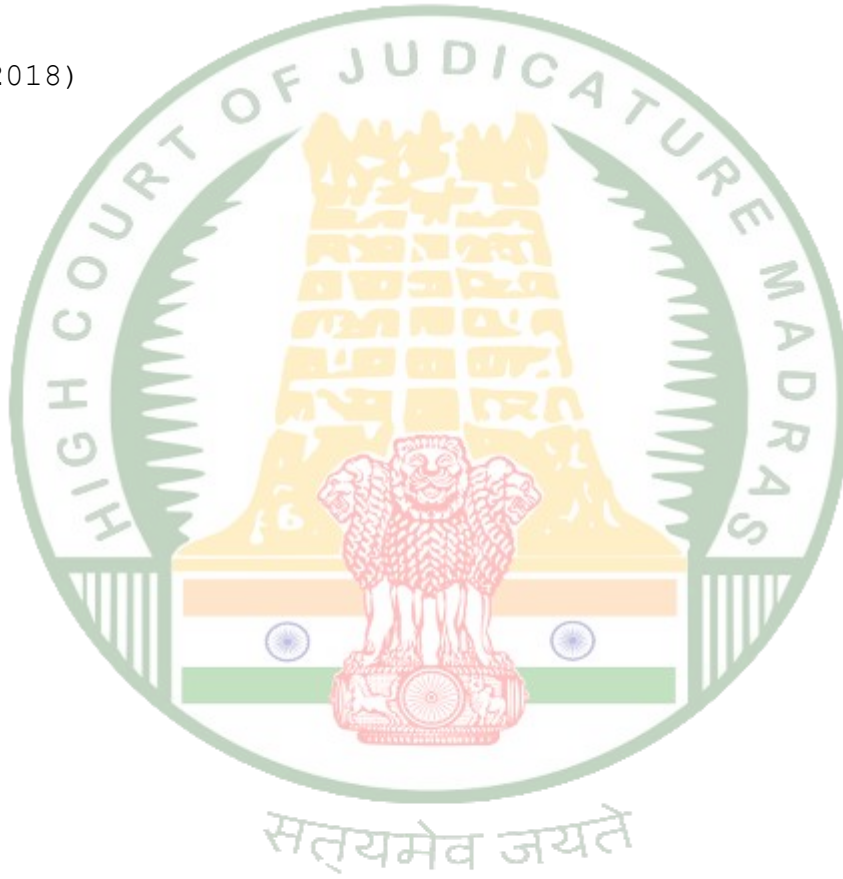
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.V. Balamuruganae, Advocate sr 34752.

+1 CC to Mr.R. Sasikumar, Advocate sr 34736.

H.C.P.No.786 of 2018

SVI (CO)
SP(19/06/2018)



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