

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.748/2019

D.Harish

Petitioner

vs.

1.V.Jayamurugan

2.The Inspector of Police
All Women Police Station
Thiruvallur.

3.The Superintendent of Police
Thiruvallur District, Thiruvallur.

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents herein to bodily produce the petitioner's wife Mrs.J.Emima Vijayarani before this Court and to set her at liberty and to restore her to the petitioner forthwith.

For Petitioner .. Mr.J.Thilagaraj

For RR2&3 .. Mr.C.Iyyappa Raj, APP

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

The petitioner claims to be the husband of the detenu, viz., J.Emima Vijayarani, aged about 24 years [DOB 25.12.1994] came forward to file the present petition alleging that it was a love affair and subsequently, he married the detenu on 03.01.2019 at Sri Chelliamman Temple at Dr.Ambedkar Nagar, Uthukkottai, Tiruvallur District and marriage was also registered on the same day with the Registrar of Marriages, Office of the Sub

Registrar, Uthukkottai, Tiruvallur District vide Marriage Serial No.TMR/Oothukkottai/4/2019 dated 03.01.2019 and ever since, they were happily living as husband and wife. The petitioner would further state that his wife/detenu is a native of Mumbai and the love affair was disclosed to her parents and since they opposed it, she informed the same to the petitioner and asked him to come for the purpose of marrying her and accordingly, he married her on 03.01.2019. The petitioner also averred that the detenu called her mother over phone and informed about the marriage and on the basis of the complaint given by the parents of the detenu on the file of Kadambathur Police Station, both the petitioner and the detenu were called for an enquiry on 09.01.2019 and the parents of the detenu were also summoned and they also gave it in writing that they would resolve the issue in an amicable manner. It is further stated that on 19.03.2019, the petitioner left for work and by about 11.30 a.m., he received a phone call stating that his wife was missing and immediately, he rushed back to his home and he received a WhatsApp message from the detenu's mobile phone stating that she has been taken by her parents to Palayamkottai and she would return shortly and however, she did not return. Therefore, he lodged a complaint on the file of the 3rd respondent on 21.03.2019, stating about the events that took place and the said complaint was forwarded to the 2nd respondent for enquiry. The 2nd respondent had issued summons to his wife / detenu herein, calling upon her to attend the enquiry on 21.03.2019 and however, the detenu has sent a letter dated 27.03.2019 stating that the petitioner was threatening her with an intention to grab the money and indicated that appropriate action to be taken against him. The petitioner, apprehending the safety and well being of his wife at the hands of her parents, came forward to file the present petition.

2 Mr.C.Iyyappa Raj, learned Additional Public Prosecutor made a mention to take up this petition for hearing for the reason that the detenu is being produced and accordingly, the matter is taken up.

3 This petition was listed for hearing on 11.04.2019 and this Court, in the light of the materials placed, was of the considered view that no proof of marriage on 03.01.2019 said to have been taken place at Shri Chelliamman temple at Dr.Ambedkar Nagar, Uthukkottai, Tiruvallur District and accordingly, queried the learned counsel for the petitioner and he is unable to produce the same. It was also brought to the knowledge of this Court that on an earlier occasion also, the Court had come across these kind of marriages performed by the Office of the Sub Registrar [Marriage Registrar] at Uthukkottai and therefore, required the

presence of Mrs.K.Meenakshi, Registrar of Marriages who registered the marriage and issued the above said Marriage Certificate to be present before this Court and accordingly, the said official is also present before this Court today.

4 The detinue would state that through Facebook she became acquainted with the petitioner and he also used to come to Mumbai for the purpose of seeing her junior parents and the acquaintance had developed into love and lured by his sweet words and promise, she came down and further stated that no such marriage was solemnised on 03.01.2019 at Shri Chelliamman Temple and she was taken to the office of the Sub Registrar, Uthukkottai on the date of registration on 03.01.2019 ; produced her Identity Card which is in Hindi and after making some enquiry, the proof of residence was asked and through the help of one Advocate, viz., Mr.Jeeva, of Tiruvallur, a Lease Deed purported to be indicating the place of residence, has been produced, based on which the marriage was registered on 03.01.2019 and a Certificate was given to the petitioner. She further states that after she left the company of the petitioner and joining with her parents, some photos were also put in Facebook profile by the petitioner and some enquires were also made about the properties possessed by her and she expressed that she is very much apprehensive about the attitude of the petitioner and she has firmly stated that she is willing to remain with her parents only.

5 The petitioner who is present, is also enquired and he would state that it was a true love and the detinue on her own volition, got married to him and they were residing at Door No.1/292, Vinayagar Koil Street, Kadambathur, Tiruvallur District and on the basis of the complaint given by him, an enquiry was also conducted and some time thereafter the detinue was taken from his lawful custody and he would further state that the marriage was performed in accordance with law.

6 The learned Additional Public Prosecutor has also brought to the notice of this Court that in HCP.Nos.2122, 2170 and 2191/2018, similar allegations against the concerned official, who performed the marriages, also arose and this Court also directed the respondent police to file a comprehensive Status Report and also drawn the attention of this Court to the presence of Mrs.K.Meenakshi, Registrar of Marriages.

7 This Court has considered the rival submissions and also perused the materials placed before it.

8 Even today, no proof of marriage that was said to have been solemnised at Shri Chelliamman Temple, has

been produced and from the statement of the detainee, it prima facie appears that the marriage registration was done on 03.01.2019 without undergoing necessary formalities as required under law. However, this Court, for the present, is not inclined to go into the truth or otherwise of the said allegations or the functions said to have been performed by Mrs.K.Meenakshi, Registrar of Marriages, which is the subject matter of the present petition. However, taking into consideration the allegations levelled by the detainee in her representation dated 27.03.2019 to the All Women Police Station, Tiruvallur as to the alleged misuse of the social media by the petitioner, this Court is also of the considered view that it is a fit case wherein the services of the Cyber Crime can also be roped in to look into the aspect and a Status Report shall also be filed in that regard.

9 It is also brought to the knowledge of this Court that insofar as the complaint given by the parents of the detainee on the file of Kadambathur Police Station is concerned, it has been enquired into and the same has been closed and insofar as the complaint given by the petitioner, it is assigned with Current Paper No.151-Camp 4/2019.

10 In the light of the above said allegations, the 2nd respondent is directed to register the FIR and proceed further with the investigation in accordance with law.

11 In the light of the repeated allegations cropping up against Mrs.K.Meenakshi, and the manner in which the registered marriages are performed at the office of the Sub Registrar, Uthukkottai, by the Registrar of Marriages, viz., Mrs.K.Meenakshi, the Inspector General of Registration is directed to summon the registered certificates pertain to Marriage Sl.No.586/2018 [HCP.No.2122/2018]; Sl.No.541/2018 [HCP.No.2170/2018] and as well as the Marriage Certificate of Registration bearing Serial No.TMR/Uthukkottai/4/2019 dated 03.01.2019 [in the case on hand] registered by Tmt.K.Meenakshi, Registrar of Marriages and file a detailed Status Report and if any infraction is noted, shall also suggest the remedial measures.

12 The detainee is a major and she has expressed her willingness to stay with her parents and as such, she cannot be compelled to join with the company of the petitioner. Therefore, she is set at liberty so as to enable her to take a call on her future and well being.

13 The Habeas corpus petition stands disposed of with the above observations.

14 Call on 20.06.2019 for filing of the Status Reports of the Inspector General of Registration as well as by the Inspector, Cyber Crime attached to the office of the Superintendent of Police, Tiruvallur District, the 3rd respondent herein.

Sd/-
Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Inspector of Police
All Women Police Station
Thiruvallur.
- 2.The Superintendent of Police
Thiruvallur District, Thiruvallur.
- 3.The Inspector of General Registration,
Santhome ,Mylapore, Chennai 600 004.
- 4.The Inspector ,Cyber Crime, attached to the office of
the Superintendent of Police, Thiruvallur District
- 5.Mrs.K.Meenakshi,The sub Inspector General of
Registration,The Sub Registrar, Uthukkottai
- 6.The Public Prosecutor,
Madras High Court, Madras.

+2ccs to Mr.J.Thilagaraj , Advocate SR.No. 42604
+1cc to Mr. P.Rajendran, Advocate SR.No. 43018

H.C.P.No.748/2019

A.SK(21/05/2019)

सत्यमेव जयते

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