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WP-25504-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 6th OF JULY, 2026WRIT PETITION No. 25504 of 2026

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Appearance:

Shri Yogesh Singh Baghel - Advocate for petitioner.

Dr. S.S. Chouhan - Government Advocate for respondent/State.
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ORDER

Per. Pradeep Mittal J.

The present petition has been filed by the petitioner under Article 226 of the Constitution of India, essentially seeking a writ in the nature of Habeas Corpus with a prayer that the police officials be directed to trace and produce corpus i.e. daughter of the petitioner, before this Court, and that criminal action be taken against respondent No.5.

2. Vide order dated 03.07.2026, this Court had directed the respondent/State to produce the corpus before this Court. In compliance of the aforesaid order, the corpus, has been produced today before this Court by Sub-Inspector

3. We have interacted with the corpus in Court, in the absence of the



police and the parties, so as to ascertain her free will. On enquiry, she has categorically stated that she is major in age and that she wishes to live with respondent No.5 out of her own free will and volition. She has further stated, in unequivocal terms, that she is not willing to go with her parents/petitioner and that no coercion or undue influence has been exercised upon her by respondent No.5 or anyone else.

4. It is by now well settled that once a person attains the age of majority, she is entitled to live wherever she wishes and with whomsoever she wishes, and the writ of Habeas Corpus is maintainable only where it is shown that the corpus is under illegal or unlawful detention or custody. Once it emerges from the interaction with the corpus that a major individual is residing at a place of her own free will and is not under any illegal restraint, no direction can be issued by a Constitutional Court to hand over her custody to any other person, including her parents, merely because such person may be aggrieved by her choice.

5. The Supreme Court, in *Soni Gerry Vs. Gerry Douglas, Contempt Petition (Civil) No.1606/2017 in SLP(C) No.18761/2011, decided on 05.01.2018*, while dealing with a similar situation where a major daughter had expressed her clear intention to reside independently of her parents, has held thus:

“6. It needs no special emphasis to state that attaining the age of majority in an individual's life has its own significance. She/he is entitled to make her/his choice. The Courts cannot, as long as the choice remains, assume the role of parens patriae. The daughter is entitled to enjoy her



freedom as the law permits and the Court should not assume the role of a super guardian being moved by any kind of sentiment of the mother or the egotism of the father. We say so without any reservation.”

7. The aforesaid enunciation of law squarely applies to the facts of the present case. The corpus, has been produced before this Court and has, in the course of interaction, unhesitatingly and voluntarily expressed her wish to reside with respondent No.5. She has attained majority and is not shown to be under any illegal custody or detention. In such circumstances, this Court, exercising jurisdiction under Article 226 of the Constitution, cannot issue any direction contrary to her expressed free will, nor can it compel her to reside with the petitioner against her wishes.

8. In view of the above, no further direction is warranted in this petition. The corpus, is set at liberty and shall be free to go wherever she wishes, of her own accord, without any hindrance or interference from the petitioner or any other person.

9. With the aforesaid observations, this writ petition stands disposed of.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

Praveen