



2026:AHC:186264

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1193 of 2026

Smt Moni Corpus

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Dhyan Shanker Pandey, Vishal Jaiswal
Counsel for Respondent(s)	: G.A., Santosh Kumar Giri

Court No. - 73

HON'BLE SANDEEP JAIN, J.

By order dated 31.08.2026, the State as well as respondent no.4 were directed to produce the corpus, Smt. Moni, before this Court. In compliance with the aforesaid order, the corpus has been produced before the Court by Shri Rakesh Kumar, Sub-Inspector, and Ms. Jyoti, Lady Constable, Police Station Usawan, District Budaun.

This Court has interacted with the corpus, Smt. Moni, in order to ascertain her age, voluntariness and the circumstances in which she has been residing. During the course of interaction, she has stated that her date of birth is 08.06.2008 and, on the basis of the said date of birth, she has attained the age of majority. She has further disclosed that she is educated up to Class X and that she voluntarily solemnized her marriage with the petitioner, Mohit, on 18.07.2026. She has categorically stated before the Court that the marriage was solemnized of her own free will and without any coercion, undue influence or pressure from any quarter. She has further expressed her unequivocal desire to reside with the petitioner, Mohit, as his wife in their matrimonial home.

This Court has also interacted with the petitioner, Mohit, who has admitted that he has solemnized marriage with the corpus, Smt. Moni, on 18.07.2026 and has stated that he is willing to reside with her as her husband in their matrimonial home.

The Court has further interacted with respondent no.4, namely, Sanjeev, father of the corpus. Although he is evidently disappointed and aggrieved

by the decision taken by his daughter to marry the petitioner and to reside with him, he has fairly admitted before the Court that the corpus has attained the age of majority.

Upon a careful consideration of the statements made by the corpus and the other parties and after interacting with the corpus personally, this Court finds that Smt. Moni has attained the age of majority and is capable of taking an informed decision concerning her own life and future. Her statement before the Court is clear, categorical and consistent. There is nothing on record or in her demeanour during interaction with the Court to indicate that her decision to marry the petitioner or her desire to reside with him is the result of coercion, threat, undue influence or unlawful inducement.

The autonomy of an individual in matters relating to personal liberty, dignity and choice of a life partner forms an integral facet of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Once a person attains majority, he or she is ordinarily entitled to make an independent choice with regard to the manner in which such person wishes to lead his or her life, including the choice of a spouse. Such a choice cannot be dictated or substituted by the wishes of the parents or other relatives merely because they may consider the decision to be undesirable or unacceptable.

The parental concern, however genuine, cannot override the constitutionally protected autonomy of a major individual. The right to choose one's partner is a facet of personal liberty and dignity, and the State and its instrumentalities are required to respect such autonomy, subject of course to the requirements of law.

In the present case, respondent no.4, despite expressing his disappointment with the decision of the corpus, has himself admitted that she has attained majority. The corpus has also unequivocally stated before this Court that she has voluntarily married the petitioner, Mohit, and that she wishes to reside with him in her matrimonial home. She has not expressed any apprehension of illegal confinement or coercion at the hands of the petitioner.

In view of the aforesaid facts and circumstances, this Court is satisfied that the corpus, Smt. Moni, is a major and is exercising her own free will and volition. She cannot, therefore, be compelled to return to or remain in the custody of her parents against her wishes. Her liberty to choose her place of residence and her life partner deserves to be respected and protected in accordance with the constitutional mandate contained in Article 21 of the Constitution of India.

Consequently, the corpus, Smt. Moni, is set at liberty to go with the petitioner, Mohit, and to reside with him at the place of her choice. No person, including her parents or relatives, shall interfere with the lawful exercise of her choice or subject her to any threat, coercion, intimidation or harassment on account of her decision to marry and reside with the petitioner.

The State authorities, including respondent nos.2 and 3, are directed to ensure the safety and security of the corpus, Smt. Moni, as well as the petitioner, Mohit, and to extend necessary protection to them in accordance with law, if any threat or apprehension to their life or liberty is brought to their notice.

The concerned police authorities shall also ensure that the corpus and the petitioner are escorted safely from the Court premises to their preferred destination, as desired by the corpus, and that no obstruction or interference is caused to their departure.

In view of the above, no further relief survives for consideration in the present habeas corpus petition. The petition is, accordingly, **allowed**.

(Sandeep Jain,J.)

September 7, 2026

Himanshu