



HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1307 of 2026

Ayush Malik And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Deepak Singh, Mohammad Khalid, Umar Khalid
Counsel for Respondent(s)	: G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

Learned counsel for the petitioner submits that the corpus, Ayush Malik, aged about 31 years, has, of his own free will and volition, renounced Hinduism and embraced Islam without any coercion, undue influence or inducement. He further submits that, thereafter, the corpus solemnized marriage with Chandni Qureshi against the wishes of his father, opposite party No.4, Devraj Singh Malik.

It is further submitted that, aggrieved by the aforesaid conduct of the corpus, opposite party No.4 lodged a false and motivated First Information Report dated 06.06.2026, being Case Crime No. 241 of 2026, under Sections 5(1) and 3 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and Sections 308(5), 351(3), 61(2), 338, 336(3) and 318(4) of the Bharatiya Nyaya Sanhita, at Police Station Shamli, District Shamli, against the wife of the corpus and her relatives.

Learned counsel for the petitioner further submits that, in collusion and connivance with opposite party No.4, the State authorities and their functionaries have facilitated the illegal detention of the corpus at the instance of opposite party No.4. It is submitted that the corpus has been unlawfully deprived of his personal liberty and is being kept in the illegal custody of opposite party No.4 with the active assistance of the State machinery, which, according to learned counsel, is borne out from the documents annexed with the writ petition.

It is also submitted that the petitioner, Sultan, is a friend of the corpus and that the corpus had approached the petitioner seeking his assistance for securing his release from the alleged illegal detention of opposite party No.4 and the State authorities.

I have heard learned counsel for the petitioner and perused the material brought on record.

From a perusal of the documents annexed with the writ petition, it prima facie appears that the corpus, Ayush Malik, has voluntarily renounced Hinduism and embraced Islam and, thereafter, solemnized marriage with Chandni Qureshi against the wishes of his father, opposite party No.4. It further

appears that, consequent upon the aforesaid acts of the corpus, opposite party No.4 lodged an FIR, being Case Crime No. 241 of 2026 dated 06.06.2026, under Sections 5(1) and 3 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and Sections 308(5), 351(3), 61(2), 338, 336(3) and 318(4) of the Bharatiya Nyaya Sanhita, at Police Station Shamli, District Shamli, against the wife of the corpus and her relatives.

The allegations made by learned counsel for the petitioner regarding the alleged illegal detention of the corpus and the purported involvement of the State authorities and their functionaries in facilitating such detention are serious in nature and, therefore, warrant immediate consideration by this Court.

In the circumstances, let notice be issued to the respondent No4.

Steps shall be taken within three days.

The State authorities as well as opposite party No.4 are directed to ensure the production of the corpus, Ayush Malik, before this Court on 16.09.2026.

In the event the corpus is not produced on the date fixed, respondent Nos. 2 and 3 shall file their respective personal affidavits disclosing the reasons for non-production of the corpus and the steps taken by them to secure his production.

List as fresh on 16.09.2026.

September 9, 2026

Himanshu

(Sandeep Jain,J.)



2026:AHC:194390

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Vakalatnama filed by Sri Vibhu Rai on behalf of respondent no. 4 is taken on record.

By order dated 09.09.2026, the State as well as respondent no. 4 were directed to produce the corpus, Ayush Malik, before this Court. In compliance thereof, the corpus has been produced before the Court by SI Ravi Dutt Sharma, Police Station Kotwali, District Shamli.

This Court interacted with the corpus, Ayush Malik, who stated that he is aged about 31 years and is educated up to B.Pharm. He stated that he voluntarily embraced Islam in the year 2014 and that his decision to do so was taken of his own free will, without any coercion, threat, undue influence or inducement from any person. He further stated that, after embracing Islam, he has been following the essential practices of the said faith, though his decision was not acceptable to his parents and other family members.

The corpus further stated that he has decided to enter into a matrimonial relationship with Chandni Qureshi and intends to solemnize marriage with her, which decision is also not acceptable to his parents. According to him, owing to his decision to marry Chandni Qureshi, an FIR came to be registered on 06.06.2026 as Case Crime No. 241 of 2026, under Sections 5(1) and 3 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and Sections 308(5), 351(3), 61(2), 338, 336(3) and 318(4) of the B.N.S., at Police Station Shamli, District

Shamli, against Chandni Qureshi and her relatives.

The corpus alleged that, thereafter, he was subjected to threats and unlawful confinement and was kept under house arrest from 04.06.2026. He stated that he has been produced before this Court pursuant to the order passed by this Court and categorically asserted that he is not under any coercion, threat, undue influence or pressure from any person. He reiterated that he has independently applied his mind and has voluntarily chosen to profess and practise Islam. He further stated that he intends to solemnize marriage with Chandni Qureshi and that the criminal proceedings initiated against her and her relatives are a consequence of his said choice.

This Court also interacted with the father of the corpus, respondent no. 4, Devraj Singh Malik. He refuted the allegations made by his son and stated that the corpus has been influenced or brainwashed by certain persons and has not, according to him, voluntarily embraced Islam. He further stated that he is concerned about the welfare of his son and, for that reason, does not approve of his decision to embrace Islam or to solemnize marriage with Chandni Qureshi, as he considers such decisions not to be in the interest of his son.

The corpus, however, categorically disputed the aforesaid assertions made by his father and reiterated before the Court that his decisions have been taken voluntarily, independently and after due deliberation.

I have heard learned counsel for the parties and have also interacted with the corpus as well as respondent no. 4.

From the interaction with the corpus, it is apparent that he has attained the age of majority and is capable of taking decisions concerning his own life. His categorical statement before the Court is that he has voluntarily embraced Islam and that such decision was neither induced nor occasioned by any threat, coercion, undue influence or pressure. Nothing has been brought on record which may persuade this Court to disbelieve the statement made by the corpus in the course of his interaction with the Court.

The freedom of conscience and the right freely to profess, practise and propagate religion are guaranteed under Article 25 of the Constitution of India, subject to the limitations contained therein. A person who has attained majority is ordinarily entitled to determine his faith according to his own conscience. Such a choice, being an expression of individual autonomy and freedom of conscience, cannot be displaced merely because it is not acceptable to his family members.

Likewise, the right to choose a person with whom one wishes to establish a matrimonial relationship forms an integral facet of the right to life and personal liberty guaranteed under Article 21 of the Constitution. The choice of an adult as to whom he or she wishes to marry or with whom he or she wishes to establish a relationship is a matter of individual autonomy. The mere fact that such choice may be contrary to the wishes or expectations of the family cannot, by itself, furnish a legitimate basis for curtailing such choice.

In the present case, the corpus has unequivocally expressed before this Court his desire to profess and practise Islam and his intention to solemnize marriage with Chandni Qureshi. He has consistently maintained that both decisions are the result of his own free will and independent choice. The Court finds no material, at this stage, to doubt the voluntariness of the choices so expressed by him.

It is also evident from the record that Chandni Qureshi and her father, Islam Qureshi, against whom the aforesaid FIR was lodged, were arrested in connection with the said case and were subsequently enlarged on bail by the learned District and Sessions Judge, Shamli at Kairana, by order dated 24.07.2026. The material placed before the Court further indicates that the corpus has been residing under police presence at his house and has been produced before this Court pursuant to the directions issued in the present proceedings.

Once an adult person has unequivocally expressed his free will and choice before the Court, such choice is ordinarily entitled to be respected, unless its exercise is shown to be vitiated by circumstances recognised in law. The Court, in exercise of its jurisdiction under Article 226 of the

Constitution, is not required to substitute its own perception of what would be beneficial or appropriate for the considered choice of an adult corpus.

The concern expressed by the father regarding the welfare of his son is understandable in the context of the familial relationship; however, such concern cannot, by itself, override the constitutionally protected autonomy of an adult person who is competent to take decisions concerning his faith, residence and choice of life partner.

In view of the aforesaid facts and circumstances, this Court finds no lawful justification for continuing any restraint upon the personal liberty of the corpus. He is, therefore, set at liberty to reside at such place as he may choose and with such person as he may, of his own free will, choose to reside with. He shall also be at liberty to profess and practise the religion of his choice and to take an appropriate decision regarding his matrimonial relationship in accordance with law.

With the aforesaid observations and directions, the present petition stands ***disposed of***.

(Sandeep Jain,J.)

September 16, 2026

Himanshu