



2026:AHC-LKO:63983

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

HABEAS CORPUS WRIT PETITION No. - 360 of 2026

Smt. Princy Thru. Her Husband Gurpreet Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Civil
Sectt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Rahul Kumar Shukla, Shivam
Srivastava

Counsel for Respondent(s) : G.A., Ashish Kumar Rastogi

Court No. - 14

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Rahul Kumar Shukla, the learned counsel for the petitioner, Shri Ganesh Dutt Bhatt, the learned AGA-I for the State of U.P. and Shri Ashish Kumar Rastogi and Sri Rishabh Sharma, the learned counsel for opposite party no. 4, who have filed their *Vakalatnama*, which is taken on record.

2. Sub Inspector Ved Prakash Sharma and Lady Constable Gunjan Kashyap from Police Station Mahmudabad, District Sitapur have produced the detinue before this court and she has also been heard. The Court put a question to the Sub Inspector as to why did he produce the detinue without any order passed by the Court, whereupon he stated that he had received a letter from the office of the Government Advocate to provide instructions in the matter. The prayers made in the writ petition were quoted therein. He misunderstood the same to be an order of the Court and, therefore, he has produced the detinue. The explanation given by the Sub Inspector is reasonable and the same is accepted.

3. The instant writ petition seeking issuance of a writ of Habeas Corpus has been filed by the alleged detinue Smt. Princy through her husband / next friend Gurpreet Singh stating that she has been detained by her father Manoj Kumar Soni (the opposite party no. 4).

4. It has been pleaded in the writ petition that Princy came in contact

with Gurpreet Singh through social media in February 2025. She left her parental home out of her own accord on 19.09.2025 and started living with Gurpreet Singh at Noida. Gurpreet Singh follows Sikh religion, whereas Princy is a Hindu and, therefore, her family members were opposed to their relationship. Princy and Gurpreet Singh married in a temple at Noida on 04.11.2025 and since then they are living as husband and wife. The family members of Princy had called her to her paternal home to tie Rakhi to her brothers on the occasion of Rakshabandhan, but thereafter she was detained by her father and other family members.

5. Smt. Princy sent messages to Gurpreet Singh complaining that her family members were assaulting and harassing her and she asked Gurpreet Singh to rescue her. Thereafter, Gurpreet Singh approached the police and upon remaining unsuccessful, he has filed this writ petition.

6. Princy Singh has categorically stated before this Court that she wants to live with Gurpreet Singh and her father Manoj Kumar Soni (the opposite party no. 4) is not permitting her to join the company of her husband.

7. The learned counsel for the opposite party no. 4 has vehemently opposed the Writ Petition and he has submitted that Princy Singh and Gurpreet Singh claim to have got married in a temple, but they have not stated that Saptapadi was performed and therefore, he contends that their marriage is not a valid marriage in the eyes of law. He has placed reliance on a judgment rendered by a Division Bench of this court in the case of **Shruti Agnihotri v. Anand Kumar Srivastava**: 2024 SCC OnLine All 3701. This judgment was given in a first appeal filed under Section 19(1) of the Family Courts Act. The appellant had filed a suit under Section 12 of the Hindu Marriage Act, 1955 against the respondent i.e alleged husband and the respondent had filed a suit under Section 9 of the Act. Both the suits were clubbed together. The suit of the appellant under Section 12 of the Act, 1955 was dismissed, whereas, the suit of the respondent under Section 9 of the Act, 1955 was decreed.

8. The respondent in the case of **Shruti Agnihotri** (supra) was a religious guru and used to hold religious discourses. The family members of the appellant were deeply under the influence of the respondent. The appellant, while she was a minor, used to go with her mother to the residence of respondent for such religious

discourses. On the occasion of Gurupurnima, the respondent called the mother of the appellant and made her sign certain papers on the pretext of enrolling them as members of his spiritual institution. The appellant and her mother were again called to the respondent's place and were made to sign certain more papers on the pretext of being witnesses to a sale deed and they signed certain documents, while the appellant had barely crossed the marriageable age of 18 years by 12 days, whereas, the respondent was about 39 years of age. Subsequently, the respondent claimed that he had married the appellant at Arya Samaj Mandir, Ganeshganj, Lucknow and had got it registered with the Registrar of Marriages. The appellant denied that she had married the respondent and contended that the alleged marriage and registration of marriage was a fraudulent act by the respondent. The Division Bench in **Shruti Agnihotri** (supra) took note of the fact that the respondent-defendant had not produced any witness from the Arya Samaj Mandir to prove that any such ceremonies, which are necessary for a valid Hindu marriage, were performed at the Arya Samaj Mandir. It was in this factual background of the case, that this Hon'ble Court relied upon the Hon'ble Supreme Court's judgment in the case of **Dolly Rani v. Manish Kumar Chanchal**: (2025) 2 SCC 587, in which it was held that: -

"Where a Hindu marriage is not performed in accordance with the applicable rites or ceremonies such as saptapadi when included, the marriage will not be construed as a Hindu marriage. In other words, for a valid marriage under the Act, the requisite ceremonies have to be performed and there must be proof of performance of the said ceremony when an issue/controversy arise. Unless the parties have undergone such ceremony, there would be no Hindu marriage according to Section 7 of the Act and a mere issuance of a certificate by an entity in the absence of the requisite ceremonies having been performed, would neither confirm any marital status to the parties nor establish a marriage under Hindu law."

9. The learned Counsel for the opposite party no. 4 next relied upon a judgment rendered by a coordinate bench of this Court in the case of **Manoj Kumar Gupta v. State of U.P.**: 2006 SCC OnLine All 1523 = 2007 (1) ALJ 339 wherein Manoj Kumar Gupta pleaded Smt. Asha Gupta was his legally wedded wife and their marriage was solemnized on 05.05.2005 according to Hindu customs and rites at Malli Bazar South Sikkim. Her father Ashok Kumar Gupta brought back Smt. Asha Gupta to his house at Ballia and was not sending her back to her matrimonial home. Ashok Kumar Gupta filed a counter-

affidavit on his behalf as well as on behalf of Asha Gupta, stating that the petitioner was already married to a lady Teena Gurang and he filed the marriage certificate of the petitioner along with Teena Gurang. Asha Gupta appeared before the Court and stated that she had married Manoj Kumar Gupta, without knowing that Manoj Kumar Gupta was already married. She stated that she did not want to live with the petitioner as he was already married. Manoj Kumar Gupta also accepted that he had married Teena Gurang, but he stated that she had left the marital company of the petitioner and never came back. However, he admitted that he had not sought divorce from Teena Gurang. In the aforesaid factual background, this Court held that: -

"14. ... the marriage of Manoj Kumar Gupta, the petitioner, with respondent No. 6 Asha Gupta is null and void, he cannot be considered to be a legally wedded husband of respondent No. 6. A marriage, which is null and void, does not confer any right on any of the spouses as husband and wife. The term 'null and void' means and in essence have got the effect of no marriage at all. The word Avoid literary means 'state of non-existence'. Thus, the marriage of the petitioner with respondent No. 6 never existed in the eyes of law. In such a state of affair the petitioner has no right to pray for a writ of Habeas Corpus from this Court, as he was not the husband of respondent No. 6 at all much less to say a legally wedded husband. In the habeas corpus petition the petitioner has very dexterously concealed this important aspect of the matter in the pleading that he was already married to Teena Gurang three months prior to the solemnisation of marriage with respondent No. 6 and that he had not sought any divorce from her. This material concealment of fact goes a long way to show the intention of the petitioner. The petitioner has also concealed the fact of lodging of a case against him as Crime No. 6/2006 registered on 5-1-2006 at Police Station Kotwali, District Ballia.

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15. ... Since respondent No. 6 Smt. Asha Gupta according to her statement given in Court, was not detained illegally by her father, respondent No. 5 but was living according to her own will with him that the question of issuing of Habeas Corpus does not arise at all. It is not a case of illegal detention and therefore relief claimed in the instant petition by the petitioner cannot be granted to him. As a matter of fact the present habeas corpus petitions not maintainable at the behest of the petitioner Manoj Kumar Gupta was not the legally wedded husband of respondent No. 6 Smt. Asha Gupta."

10. It is settled law that the ratio of any precedent has to be read and understood in the light of the peculiar factual background of the case and the issues decided in the case. In **Escorts Ltd. v. CCE**, (2004) 8 SCC 335, the Hon'ble Supreme Court held that: -

"8. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of courts are neither to be read as Euclid's theorems nor as provisions of a statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for Judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes..."

* * *

10. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper.

11. The following words of Hidayatullah, J. in the matter of applying precedents have become locus classicus: (Abdul Kayoom v. CIT: AIR 1962 SC 680),

"19. ... Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect. In deciding such cases, one should avoid the temptation to decide cases (as said by Cardozo) by matching the colour of one case against the colour of another. To decide therefore, on which side of the line a case falls, the broad resemblance to another case is not at all decisive."

"Precedent should be followed only so far as it marks the path of justice, but you must cut the dead wood and trim off the side branches else you will find yourself lost in thickets and branches. My plea is to keep the path to justice clear of obstructions which could impede it."

11. In **Bhavnagar University v. Palitana Sugar Mill (P) Ltd.:** (2003) 2 SCC 111, it was reiterated that *"a little difference in facts or additional facts may make a lot of difference in the precedential value of a decision."*

12. In **State of Orissa v. Mohd. Illiyas:** (2006) 1 SCC 275, the Hon'ble Supreme Court followed the law laid down in *Quinn v. Leathem* (1901 AC 495), that *"every judgment must be read as applicable to the particular facts proved or assumed to be proved, since the generality of the expressions which are found there are not intended to be the exposition of the whole law but governed and qualified by the particular facts of the case in which such expressions*

are found and a case is only an authority for what it actually decides".

13. In **P.S. Sathappan v. Andhra Bank Ltd.**: (2004) 11 SCC 672, a Constitution Bench consisting of five Hon'ble Judges of the Hon'ble Supreme Court held that: -

"145. A decision is an authority for the questions of law determined by it. While applying the ratio, the court may not pick out a word or a sentence from the judgment divorced from the context in which the said question arose for consideration. A judgment, as is well known, must be read in its entirety and the observations made therein should receive consideration in the light of the questions raised before it. [See Haryana Financial Corpn. v. Jagdamba Oil Mills [(2002) 3 SCC 496], Union of India v. Dhanwanti Devi [(1996) 6 SCC 44], Nalini Mahajan (Dr.) v. Director of Income Tax (Investigation) [(2002) 257 ITR 123 (Del)], State of U.P. v. Synthetics and Chemicals Ltd. [(1991) 4 SCC 139], A-One Granites v. State of U.P. [(2001) 3 SCC 537] and Bhavnagar University v. Palitana Sugar Mill (P) Ltd. [(2003) 2 SCC 111]

146. Although decisions are galore on this point, we may refer to a recent one in State of Gujarat v. Akhil Gujarat Pravasi V.S. Mahamandal [(2004) 5 SCC 155] wherein this Court held: -

"It is trite that any observation made during the course of reasoning in a judgment should not be read divorced from the context in which it was used."

14. In **Shruti Agnihotri** (supra) and **Manoj Kumar Gupta** (supra), cited by the learned Counsel for the opposite party no. 4, the alleged wife had herself denied the validity of the marriage and had resisted the husband's claim to make her join his company, whereas in the present case, the detinue Princy Singh has stated that she has married Gurpreet Singh in a temple, she has been detained by her father against her wishes because she is a Hindu whereas Gurpreet Singh is a Sikh and she has expressed willingness to join the company of her husband. Therefore, the ratio laid down in the cases cited by the learned Counsel for the opposite parties would not apply to the facts of the present case.

15. The learned counsel for the opposite party no. 4 next relied upon a judgment of the Hon'ble Supreme Court in the case of **Mohd. Ikram Hussain vs. State of U.P. and others**: AIR 1964 SC 1625, wherein it was held that: -

"13. Exigence of the writ at the instance of a husband is very rare in English Law, and in India the writ of habeas corpus is probably never used by a husband to regain his wife and the alternative remedy under S. 100 of the Code of Criminal Procedure is always

*used. Then there is the remedy of a civil suit for restitution of conjugal rights. Husbands take recourse to the latter when the detention does not amount to an offence and to the former if it does. In both these remedies all the issues of fact can be tried and **the writ of habeas corpus is probably not demanded in similar cases if issues of fact have first to be established. This is because the writ of habeas corpus is festinum remedium and the power can only be exercised in a clear case.** It is of course singularly inappropriate in cases where the petitioner is himself charged with a criminal offence in respect of the very person for whose custody he demands the writ."*

16. There can be no dispute against the aforesaid proposition of law, but even as per this judgment, when there is no dispute that the alleged detainee is a major and she has categorically stated before this Court that her father has detained her against her wishes and she has also categorically stated that she wants to live with the petitioner, there remains no factual dispute which ought to be decided and which cannot be decided in a Writ Petition, and therefore, this situation certainly warrants the issuance of a writ of Habeas Corpus.

17. Regarding the plea of the learned Counsel for the opposite party no. 4 that there is no proof of performance of *saptapadi*, suffice it to say that when the parties to the marriage are not disputing the validity of their marriage, this Court cannot examine this disputed question of fact raised by the father of the detainee, against whom the detainee herself has alleged that he has illegally detained his major daughter against her wishes.

18. Whether the marriage of the detainee is valid or not, she having the age of majority, has the legal right to choose not to reside with her father and her father cannot force her to live with him. In **Soni Gerry v. Gerry Douglas**: (2018) 2 SCC 197, the Hon'ble Supreme Court held that: -

"10. 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."

19. Again, in **Shafin Jahan v. Asokan K.M.**: (2018) 16 SCC 368, the Hon'ble Supreme Court held that: -

"27. Thus, the pivotal purpose of the said writ is to see that no one

*is deprived of his/her liberty without sanction of law. It is the primary duty of the State to see that the said right is not sullied in any manner whatsoever and its sanctity is not affected by any kind of subterfuge. The role of the Court is to see that the detainee is produced before it, find out about his/her independent choice and see to it that the person is released from illegal restraint. The issue will be a different one when the detention is not illegal. **What is seminal is to remember that the song of liberty is sung with sincerity and the choice of an individual is appositely respected and conferred its esteemed status as the Constitution guarantees. It is so as the expression of choice is a fundamental right under Articles 19 and 21 of the Constitution, if the said choice does not transgress any valid legal framework. Once that aspect is clear, the enquiry and determination have to come to an end.***

* * *

82. *The exercise of the jurisdiction to declare the marriage null and void, while entertaining a petition for habeas corpus, is plainly in excess of judicial power...*

* * *

84. *A marriage can be dissolved at the behest of parties to it, by a competent court of law. Marital status is conferred through legislation or, as the case may be, custom. Deprivation of marital status is a matter of serious import and must be strictly in accordance with law. The High Court in the exercise of its jurisdiction under Article 226 ought not to have embarked on the course of annulling the marriage. The Constitution recognises the liberty and autonomy which inheres in each individual. This includes the ability to take decisions on aspects which define one's personhood and identity. **The choice of a partner whether within or outside marriage lies within the exclusive domain of each individual.** Intimacies of marriage lie within a core zone of privacy, which is inviolable. **The absolute right of an individual to choose a life partner is not in the least affected by matters of faith..."***

20. When the detainee is major, she has the legal right to choose whom she wants to live, she claims to have married the person of her choice and she has categorically stated that she wants to live with that person but herself father has detained her against her wishes, because he is opposed to her marrying a person following a different religion, the detainee in illegal detention of her father deserves to be set free by issuing a Writ of Habeas Corpus.

21. Keeping in view the categorical statement of the detainee, Smt. Princy that she is a major and she has been detained by her father against her wishes, the writ petition is **allowed**. The detainee Princy Singh is set at liberty from the custody of her father (the opposite

party no. 4) and she has joined the company of Gurpreet Singh.

September 11, 2026

Ram.

(Subhash Vidyarthi,J.)

Whether the judgment is speaking: Yes

Whether the judgment is reportable: Yes

(Subhash Vidyarthi,J.)