

HIGH COURT OF JAMMU, KASHMIR & LADAKH AT JAMMU

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HCP No. 66/2026

Bashir Ahmed

.....Appellant(s)/Petitioner(s)

Through: Mr. Mumtaz Choudhary, Adv.

vs

U. T. of J&K and others

..... Respondent(s)

Through: Mr. Adarsh Bhagat, GA for Nos. 1 to 3
Mr. Surya Dev Singh, Adv. for No. 4

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
08.10.2026

1. The petitioner, through the medium of present petition, has sought a direction upon respondent Nos. 1 to 3 to trace and recover his daughter, who has been impleaded as respondent No. 4 to the petition before this Court. A further direction commanding respondent Nos. 2 and 3 to constitute a dedicated investigation team for time bound investigation into the disappearance of respondent No. 4, has also been sought.
2. As per case of the petitioner that his daughter(respondent No. 4 herein) who is aged 20 years, has gone missing under suspicious circumstances. It has been submitted that on 11.07.2026, respondent No. 4 after leaving her residence in the morning for appearing in the Higher Secondary School Part-I, Annual Examination, did not return to her home. The petitioner and other family members are stated to have launched a search of respondent No. 4 with a view to trace her but her whereabouts

have remained unknown. In view of these circumstances, the petitioner apprehends that respondent No. 4 may have been abducted or may have been kept under illegal detention.

3. It has been submitted that the petitioner approached the concerned Police Station on 12.07.2026 and lodged a missing report about his daughter but despite his repeated visits to the Police Station, no effective steps have been taken for tracing his missing daughter.
4. Notice of the petition was issued to the respondents on 31.07.2026. An application was made by respondent No. 4, the daughter of the petitioner seeking impleadment as party to the writ petition. The application was allowed in terms of order dated 17.09.2026 and she was permitted to file reply to the writ petition.
5. In the application filed by respondent No. 4, she submitted that she has voluntarily left her parental home with a view to marry a person of her choice. She has further stated that her aforesaid decision was neither under any undue influence nor the result of any force. She has stated that she has attained the age of majority and she is conscious of the nature and consequences of her decision. According to respondent No. 4, she does not wish to live with her parents and has prayed that her custody should not be handed over to her father.
6. A direction was issued for appearance of respondent No. 4 before this Court. Pursuant thereof, she has appeared before this Court today. The Court has interacted with the corpus in person. She has disclosed that she is aged more than 19 years. She has categorically stated that she is

presently residing independently with her husband-Mohd. Abdullah with whom, she has entered into wedlock out of her free will and volition. She has further stated that she along with her husband, had moved to this Court by way of a writ petition bearing WP(C) No. 2275/2026 seeking protection against their harassment and this Court was pleased to come to their rescue by issuing directions to this effect.

7. The statement of respondent No. 4/corpus was recorded by the Registrar Judicial on oath. In her statement, she repeated and reiterated that she has entered into wedlock with Mohd. Abdullah out of her free will and volition and that she is presently living with her husband, namely, Mohd. Abdullah at Kishtwar. She has further submitted that she does not wish to live with her parents and has expressed her desire to continue to reside with her husband.
8. Once the corpus has attained majority and she has made voluntary and unequivocal choice to accompany her husband, her conscious decision to this effect has legal recognition. A major person cannot be compelled to reside with or accompany a particular person even if, such person happens to be her parent. A Writ of Habeas Corpus can be issued only for securing release of corpus from illegal or unlawful detention. It cannot be issued to compel an adult person to reside with a person against his/her will and wish, when no illegal detention is established.
9. In the present case, the material available on record does not suggest that the corpus was subject to any form of unlawful detention. In fact, the material on record suggests that she had voluntarily left her parental

house to join the company of her husband. Thus, it is not a case of illegal or unlawful detention. In these circumstances, no writ of habeas corpus can be issued.

10. For the foregoing reasons, the instant writ petition is **dismissed**. Respondent No. 4, who is a major person, is at liberty to accompany the person of her choice.

(SANJAY DHAR)
JUDGE

Jammu
08.10.2026
Rakesh PS

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

