



2026:AHC-LKO:19875

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**HABEAS CORPUS WRIT PETITION No. - 55 of 2026**

Smt. Komal Chauhan Thru. Her Husband Alok  
Kumar @ Deepak Kumar

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Home Lko. And 4 Others

.....Respondent(s)

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| Counsel for Petitioner(s) | : Dhananjai Kumar Tripathi, Kajol |
| Counsel for Respondent(s) | : G.A.                            |

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**Court No. - 14**

**HON'BLE RAJEEV SINGH, J.**

1. Sri Girish Kumar, Advocate has filed power on behalf of the private respondent, which is taken on record.

2. On 17.02.2026, following order was passed:-

*"1. Heard learned counsel for the petitioner and learned A.G.A. for the State.*

*2. The present petition is filed with the prayer to issue a writ, order or direction in the nature of Habeas Corpus thereby commanding and directing the opposite parties no.2 to 4 to produce the petitioner/detenu, (whose life and liberty is in illegal detention of opposite party no.5), before this Hon'ble Court and the petitioner may be set free with liberty live with her own free will.*

*3. Learned counsel for the petitioner submits that detenu and deponent were studying together, they were in love and as they are major, they decided to enter into marriage but the family members of the detenu were against her wishes, as a result, she came to the deponent and solemnized marriage with him in a temple, thereafter, private respondent started harassing them, then a Criminal Misc. Writ Petition No.777 of 2026 (Smt. Komal Vs. State of U.P.), was filed, which was disposed of on 2.2.2026. He further submits that on 1.2.2026, private respondent came and assured that they will solemnize the marriage of the detenu with the deponent as per Hindu rituals, but thereafter detenu has been kept in confinement and she continuously informed to the deponent that her life is in threat, therefore, indulgence of this Court is necessary.*

*4. Learned A.G.A. placed written instructions duly signed by Mr. Rakesh Kumar Maurya, Sub Inspector, Police Station Dhanpatganj, District Sultanpur (taken on record) and submits that detenu is residing with her parent on her own choice. He*

also placed G.D. No.029 dated 2.2.2026 written by Mr. Nandlal, Sub Inspector, in which, it is mentioned that detenue was with the deponent and after recovery, she expressed her desire to join the company of her parents, therefore, present petition is liable to be dismissed.

5. It is evident from the record that the deponent as well detenue jointly filed Criminal Misc. Writ Petition No.777 of 2026, which was disposed of vide order dated 2.2.2026.

6. The order dated 2.2.2026 passed in Criminal Misc. Writ Petition No.777 of 2026, reads as under :-

1. Heard Ms. Kajol, learned counsel for the petitioners, Ms Meera Tripathi, learned A.G.A. and Sri Girish Kumar, Advocate, who has filed Vakalatnama on behalf of opposite party no.4, which is taken on record.

2. Ms. Kajol, learned counsel for petitioner has filed supplementary affidavit enclosing therewith a copy of High School Marksheet of the petitioners. The same is taken on record. As per High School Mark Sheet, the date of birth of petitioner no.1 is 10.05.2005.

3. Learned counsel for opposite party no.4 shows a photocopy of one missing report lodged by opposite party no.4 in the Police Station Dhanpatganj, District Sultanpur regarding missing of his daughter, who is petitioner no.1 herein.

4. By means of this petition, the petitioners have prayed for the following reliefs:- "1. Issue a writ, order or direction in the nature of mandamus commanding the opposite parties not to harass, threaten and interfere in the peaceful married life of the petitioners and family members of petitioner no.2 in any manner. 2. Issue a writ, order or direction in the nature of mandamus commanding the concerned police authorities to provide the protection and security to the petitioners from the opposite party no.3 who is continuously trying to disturb the peaceful married life of the petitioners under the pressure of opposite party no.4."

5. Learned counsel for the petitioners has stated that both the petitioners are major and have married each other on their own volition on 17.01.2026 at Bijli Bhawani Mandir, Ayodhya as per hindu rites and rituals, recital to this effect has been mentioned in para 4 of the petition. After the aforesaid marriage, they are living together happily as husband and wife. He has further submitted that father of the petitioner no.1 is not happy with the marriage and as such he is creating hindrance in the peaceful married life of the petitioners.

6. In *Lata Singh Vs. State of U.P. and another*, 2006 (5) SCC 475, the Apex Court in para-17 has observed as under:- "17. .... This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the

*parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut-off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law."*

*7. Since one missing report has already been lodged by father of the petitioner no.1, therefore, the petitioners shall cooperate in the investigation, if any. However, as per instructions provided by learned AGA, the police is not harassing the petitioners. In any case, if the petitioners have got married, so no one can harass them only for the reason that they have married with their own free will.*

*8. The petitioners have also pleaded for protection under Article 21 of the Constitution of India which guarantees liberty to lead life of their own with dignity.*

*9. Therefore, this writ petition is disposed of with direction to the opposite parties not to interfere in peaceful life and liberty of the petitioners in any manner.*

*10. It is made clear that if any F.I.R. is already registered on the issue, the order passed by this Court shall automatically stand discharged.*

*11. It is, however, made clear that this Court has not entered into nor adjudicated the age of the petitioners nor veracity/validity of the alleged marriage.*

*12. The petitioners shall get their marriage registered under the "Uttar Pradesh Marriages Registration Rules, 2017" within two months from today, failing which this order will automatically come to an end.*

*13. The Registrar of Marriages concerned is directed to process and issue the registration certificate to the petitioners, strictly in accordance with law, at the earliest.*

*7. Considering the submissions of learned counsel for the parties, going through the contents of the application as well as other relevant documents, matter requires consideration.*

*8. List this case on 17.3.2026.*

*9. On the next date, deponent and the respondent no.5 alongwith the detenue shall*

*appear before this Court.*

*10. The respondent no.4 is directed to produce the detenue alongwith the respondent no.5 before this Court.*

*11. The deponent is also directed to deposit Rs.50,000/- before the Senior Registrar of this Court within ten days.*

*12. In case, aforesaid amount is not deposited, detenue need not to appear before this Court."*

3. In pursuance of aforesaid order, Sub-Inspector - Mr. Rakesh Kumar Maurya and Lady Constable- Ms. Soni Singh, Police Station- Dhanpatganj, District- Sultanpur are present today before this Court along with the detenue.

4. The detenue has categorically stated before this Court that she had come to the High Court and visited the affidavit centre for photography and she also knew that Crl. Misc. Writ Petition No. 777 of 2026 was filed. She has further stated that she knew the deponent, who was her friend, and she is now residing with her parents on her own free will.

5. Considering the contents of the petition and the statement of the detenue, the present petition is **dismissed**.

6. Senior Registrar of this court is directed to remit back Rs. 40,000/- to the deponent of the present case and Rs. 10,000/- be handed over to the detenue, forthwith.

**(Rajeev Singh,J.)**

**March 17, 2026**

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