



2026:AHC-LKO:19448

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**HABEAS CORPUS WRIT PETITION No. - 342 of 2025**

Smt. Himangini Chauhan @ Rabari Himangiri  
Gopalbhai Thru. Her Husband Shubham Chauhan

.....Petitioner(s)

Versus

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

.....Respondent(s)

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|---------------------------|---|--------------------------|
| Counsel for Petitioner(s) | : | Onkar Pandey             |
| Counsel for Respondent(s) | : | G.A., Pratibha Agnihotri |

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**Court No. - 14**

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

1. Heard Shri Arjun Gupta, Advocate holding brief of Shri Onkar Pandey, learned counsel for the petitioner, learned AGA for the State and Ms. Pratibha Agnihotri, learned amicus curiae on behalf of the detenue.

2. In pursuance of aforesaid order, detenue - Himangini Chauhan @ Rabari Himangiri Gopalbhai d/o Gopalbhai (Adhaar No. 904766831537, Mobile No. 9084050480) is present alongwith Mr. Rohit Kumar Bhalabhai Limbachiya, Sub-Inspector and Ms. Ilaben Govindbhai Solanki, Lady Constable, Police Station - Dholka Town, Ahmedabad, Gujarat.

3. Affidavit filed today by petitioner-detenue Rabari Himangiri Gopalbhai, D/o Gopalbhai, resident of 73 Viratnagar Society Saroda Road Kalikund Dholka, Post Dholka, District Ahmedabad, Gujarat having Aadhar No.904766831537 is taken on record.

4. On 16.3.2026, the following order was passed :-

*"1. The affidavits filed by learned counsel for the parties are taken on record.*

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

*3. On 28.1.2026, following order was passed :-*

*1. On 12.09.2025, following order was passed.*

*"1. Heard Sri Onkar Pandey, learned counsel for the applicant and Sri Rajesh Kumar Singh, the learned A.G.A-I appearing on behalf of the State.*

*2. The instant writ petition under Article 226 of the Constitution of India, has been filed by the petitioner seeking issuance of a writ Habeas Corpus by Smt. Himangini Chauhan @ Rabari Himangiri Gopalbhai Thru. Her Husband Shubham Chauhan, stating that a petitioner is in illegal detention of her father- the opposite party no.4. It has been stated in the writ petition that Himangini Chauhan had got married to*

*Shubham Chauhan at Unnao, on 12.02.2025 and the marriage has been registered on 13.02.2025.*

*3. The parents of the detainee have filed a Special Criminal Application Habeas Corpus No. 2876 of 2025 in the Hon'ble Gujrat High Court at Ahmedabad, in which statement of Himangini Chauhan was recorded in the order dated 17.03.2025 stated that she is major, she holds a degree of Bachelor of Arts in English and she has married Shubham Chauhan against wishes of her parents.*

*4. From the aforesaid facts, there appears to be substance in the averments made in the writ petition.*

*5. Issue notice to the opposite party no.4 directing him to produce the alleged detainee Smt. Himangini Chauhan before this Court on 13.10.2025.*

*6. The learned counsel for the petitioner shall take requisite steps for issuance of notice within next three working days."*

*2. Office report dated 20.11.2025 reveals that in pursuance to the directions of this Court, notice was issued to respondent no. 4 through speed post AD booked on 19.09.2025. Thereafter, envelop was received back with the remark 'refused'. Accordingly, the service is sufficient on respondent no. 4 in pursuance of Order V Rule 9(5) C.P.C.*

*3. Police Commissioner, Ahmedabad, Gujrat is directed to produce the detainee-Himangiri Chauhan @ Rabari Himangiri Gopalbhai d/o Gopalbhai, Adhaar No. 904766831537, Mobile No. 9084050480 before this Court on the next date.*

*4. List this case on 16.03.2026.*

*4. In pursuance of aforesaid order, detainee - Himangini Chauhan @ Rabari Himangiri Gopalbhai d/o Gopalbhai (Adhaar No. 904766831537, Mobile No. 9084050480) is present alongwith Mr. Rohit Kumar Bhalabhai Limbachiya, Sub Inspector and Ms. Ilaben Govindbhai Solanki, Lady Constable, Police Station - Dholka Town, Ahmedabad, Gujarat.*

*5. The detainee stated before this Court that she is residing with her parents on her own choice. She also stated that her marriage was solemnized with the deponent and same was registered before the Marriage Registrar, Lucknow. She further informs that her testimonials are lying with the deponent.*

*6. The deponent as well as detainee categorically informed that their marriage was not solemnized in accordance with the Hindu rituals by way of 'Saptadi' and also requested that marriage certificate may be set aside by annulling the said marriage.*

*7. Ms. Pratibha Agnihotri, Advocate (A.O.R. No.B/P 0414 & Mobile No.9450192387) is appointed as Amicus Curiae to pursue the case on behalf of the detainee.*

*8. Put up tomorrow, i.e., on 17.3.2026 at 11:30 A.M.*

*9. The deponent as well as detainee shall again appear before this Court alongwith the police officials, who are present today.*

*10. The deponent is further directed to produce all the testimonials of the detainee before this Court.*

*11. Registry is directed to show the name of Ms. Pratibha Agnihotri, Advocate (A.O.R.*

*No.B/P 0414 & Mobile No.9450192387) as counsel for the private respondent in the cause list".*

5. In pursuance of the aforesaid order, all the original testimonials of detenue-petitioner have been returned to her by the deponent of the petition.

6. The detenue categorically stated before this Court that she was in a friendship with the deponent and thereafter they entered into marriage in Vedant Sanatan Hindu Sewa Mandir, Vigyan Khand, Lolai Chinhat, Lucknow which was registered on 13.2.2025 before the Marriage Registrar. The detenue also stated that marriage was not performed in accordance with the Hindu rituals and no "Saptpadi" ritual was done therefore, it cannot be said that it was a marriage. She further stated that at presently, she is residing with her parents on her own choice. The detenu also stated that application under Section 144 BNSS was filed before the Family Court Dholka, Ahmedabad which was registered as Case No.87 of 2025 and it was decided ex-parte on 21.01.2026 but she does not want to take any financial aid in pursuance of the aforesaid order as the marriage was not solemnised in accordance with the Hindu rituals therefore, it is to be annulled and the marriage certificate issued by the Marriage Registration Officer on 13.2.2025, Lucknow as well as Certificate issued by Vedant Sanatan Hindu Sewa Mandi, Lolai, Lucknow dated 12.2.2025 may also be quashed/set aside.

7. Learned AGA as well as learned counsel for the private respondent have no objection in case the aforesaid marriage certificate is quashed.

8. Considering the submissions of learned counsel for the parties, and going through the contents of the affidavit as well as the other relevant record, as the issue has already been resolved between the parties, as they entered into the marriage without any "Saptpadi" rituals and thereafter marriage certificate was issued by Vedant Sanatan Hindu Sewa Mandir, i.e. NGO which is non-government organization and on the basis of aforesaid documents, marriage certificate was issued by the Marriage Registration Officer, Lucknow on 13.2.2025 vide Application ID No. 202522700402. As both the parties admitted that "Saptpadi" ritual was not performed as per Hindu rites, and they agreed that the aforesaid marriage certificate may be declared null and void. The parties have undertaken that neither they nor their family members will institute any civil or criminal proceedings against each other.

9. In view of the affidavit filed by the detenue as well the deponent, no dispute remains pending between the parties, as the parties are agreed that marriage can be declared null and void therefore, marriage certificate issued by the NGO i.e. Vedant Sanatan Hindu Sewa Mandir dated 12.2.2025 and marriage

registration certificate issued by Marriage Registration Officer dated 13.2.2025 at Serial No. 259 having application ID No.202522700402 at SRO Office Sadar-Ist, District Lucknow are hereby declared null and void. Accordingly, the same are hereby, quashed.

10. With the above observation, the application is accordingly, allowed.

11. Ms. Pratibha Agnihotri, learned Advocate appointed as '*amicus curiae*' for the detenue shall be paid remuneration by Senior Registrar of this Court, as permissible under the Rules.

**March 17, 2026**  
PS

**(Rajeev Singh,J.)**