



2026:AHC:126500

HIGH COURT OF JUDICATURE AT ALLAHABAD
HABEAS CORPUS WRIT PETITION No. - 807 of 2026

Smt. Babita Yadav (Corpus) And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Manoj Kumar Tiwari, Rama Shankar Mishra
Counsel for Respondent(s)	: G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Shri Rama Shankar Mishra, learned Counsel for the petitioners and learned A.G.A. on behalf of respondent nos.1 to 3.

2. Shri Pradeep Kumar Sharma, Advocate has filed vakalatnama on behalf of respondent no.4 today in Court, which is taken on record.

3. This petition has been filed for the following relief:-

"(i) Issue a writ, order or direction in the nature of Habeas Corpus directing the respondents to release the corpus/ namely Smt. Babita Yadav forthwith without any further delay.

(ii) Issue any suitable writ order or direction, which this Hon'ble court may deem fit and proper under the facts and circumstances of the present case."

4. It is submitted by learned Counsel for the petitioners, that petitioner no.1 (corpus) is legally wedded wife of petitioner no.2 and both of them have solemnized marriage as per Hindu customs on 04.12.2025. It is also submitted that both of them are major and their marriage has been registered on 06.12.2025 before the Registrar (Marriage), Moradabad. It is next submitted that petitioner no.1 is a major woman and upon call by respondent no.4 the corpus went to her parental house on 18.05.2026 and since then she has been illegally detained there. It is also submitted that respondent no.4, who is the father of petitioner no.1 is not permitting petitioner no.2 to meet his wife i.e. petitioner no.1.

5. It is next submitted that as petitioner no.1 is major and legally wedded

wife of petitioner no.2, therefore, respondent no.4 has no right and authority to detain her and as such, detention is illegal. In support of the petition, a certificate of registration of marriage issued by Registrar (Marriage) Moradabad, photo graphs and application sent by petitioner no.2 to S.S.P. Moradabad dated 27.05.2026 and with regard to proof of age the copy of High School examination of the year 2016 of Board of High School and Intermediate Education, U.P. has been filed which shows that the date of birth of petitioner no.1- Km. Babita Yadav is 14.08.2000 which means that petitioner no.1 is major.

6. I would personally ascertain the first petitioner's stand in this regard. The first petitioner has been produced before us, I proceed to record her statement:-

प्रश्न- आपका नाम ?

उत्तर- बबिता यादव।

प्रश्न- आपके पिताजी का नाम?

उत्तर- नरेश यादव।

प्रश्न-आपकी उम्र क्या है ?

उत्तर- 25 वर्ष ।

प्रश्न- आपकी जन्मतिथि क्या है ?

उत्तर- 14.08.2000 ।

प्रश्न- आपक कहा से आई है ?

उत्तर- जिला मुरादाबाद से ।

प्रश्न- आप शिवेंद्र यादव को जानती है ?

उत्तर-- जी हां ।

प्रश्न- क्या आपने शिवेंद्र यादव से शादी की है ?

उत्तर- हां ।

प्रश्न- शादी कब हुई ?

उत्तर- 05.12.2025 ।

प्रश्न- अपनी इच्छा से शादी की है ?

उत्तर- हां ।

प्रश्न- शादी कहाँ की है ?

उत्तर- मुरादाबाद में ।

प्रश्न- शादी रजिस्टर कराई है ?

उत्तर- जी हाँ ।

प्रश्न- शादी कब रजिस्टर करायी ?

उत्तर- 06.12.2025 ।

प्रश्न- किसके साथ जाना चाहती है ?

उत्तर- पापा के साथ ।

7. The learned Counsel for respondent no.4 is present and opposed this petition.

8. In view of the facts and circumstances of the case, it is established that the petitioner no.1 has solemnized marriage with petitioner no.2 and both of them are major and it is also established that currently petitioner no.1 is living with her parents and she has stated that she has solemnized marriage with petitioner no.2, but she wants to live with her parents. As the petitioner no.1 is major, therefore, she has choice to live with whomsoever she likes and reside at the place where she desires. Therefore, it cannot be held that the petitioner no.1 is in illegal detention of respondent no.4, as she is living out of her own choice with him.

9. In view of the above, it is held that currently petitioner no.1 is not in illegal detention of respondent no.4, though she is legally wedded wife of petitioner no.2 and is living with her parents out of her own wish. Therefore, I do not deem it fit to issue any direction, hence, this petition fails and is accordingly, **dismissed**.

June 10, 2026
AdityaG

(Sanjiv Kumar,J.)