



HIGH COURT OF UTTARAKHAND AT NAINITAL

Habeas Corpus Petition No. 31 of 2026

Prachi

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

Present:-

Mr. Gaurav Singh, Advocate for the petitioner.
Mr. J.S. Virk, A.A.G, with Mr. V.S. Rawat, A.G.A. for the
State/respondent nos.1 to 3.
Mr. Vivek Verma, Advocate for the respondent no.4, through
video conferencing.

Coram: Hon'ble Ravindra Maithani, J.

Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

The *Corpus* through her next friend Deepanshu has
approached this Court for her release.

2. Heard learned counsel for the parties and perused the
record.

3. It is a *habeas corpus* petition. According to the *Corpus*,
she and Deepanshu were in relationship. They wanted to marry,
but the respondent no.4/ Kapil, who happens to be the uncle of the
Corpus is forcing her to marry to some other person against the will
and choice of the *Corpus*. She could manage to make contact to
Deepanshu on 31.05.2026.

4. On 14.07.2026, when this matter was taken up, the
Court recorded as follows:-

“3. It is a case of the petitioner that he and corpus were in romantic relationship and now they intend to marry, but respondent no.4 has illegally and forcefully detained the corpus.

4. Learned counsel for the petitioner would submit that on the last occasion, the corpus has joined the proceedings through video conferencing and has stated that she has been beaten up by respondent no.4 and respondent no.4 wanted to marry her with a person against her will and choice.

5. Learned State counsel would submit that on the last date when the corpus joined the proceedings through video conferencing, she stated that her marriage has been fixed on 11.07.2026 against her wishes and she wants to marry the petitioner. After the corpus gave this statement, parents of the corpus assured the Court that they will postpone the marriage of 11.07.2026 to some future date.

6. Let the corpus be produced before this Court on 15.07.2026 at 2:15 p.m.

7. SHO Police Station SIDCUL, Haridwar is directed to produce the corpus before this Court on 15.07.2026 at 2:15 p.m.”

5. Today, the *Corpus* Ms. Prachi is produced before the Court by Sub Inspector, Praveen Bisht and Lady Constable 305 Ms. Reena from Police Station SIDCUL, District Haridwar. The Court interacted with the *Corpus* Ms. Prachi. On being asked, she tells that she is a graduate with Chemistry, Botany and Zoology, which she passed in the year 2023 from Muzaffarnagar College. Her date of birth is 12.05.2003. They are four brothers and sisters. Her father has a welding business. She wanted to go with Deepanshu, who is her friend. Deepanshu is a Driver, who has his own car. But, she has been detained by the respondent no.4 Kapil, who is her uncle for the last two months. Respondent no.4 Kapil and his wife have beaten her up, of which marks are still present in her body. They are pressurising her to marry with some other person, to

which she is not agreeable. The *Corpus* has stated that the respondent no.4/Kapil has threatened her that if she marries Deepanshu, they will kill both of them; they will be in jail and spend money, but their life may not come back.

6. At this, the Court requested Lady Constable 305 Ms. Reena to physically examine the *Corpus* in privacy and tell the Court as to whether there is any injury mark on the person of the *Corpus*. After some time, Lady Constable 305 Ms. Reena has stated that there are some old injury marks on the person of the *Corpus*.

7. It may be noted that in the petition, there is no date of birth certificate of the *Corpus* Ms. Prachi.

8. The respondent no.4 Kapil is represented through his Advocate, Vivek Verma through video conferencing. He submits that the parents of the *Corpus* have taken care of her for the last 22-23 years. They are taking steps for her well being only. He admits that the date of birth of the *Corpus* is 12.05.2003, but he denied that any of the family members, including respondent no.4 has ever beaten up the *Corpus*.

9. The Court wanted to know from learned counsel for the respondent no.4 as to how the *Corpus* could be detained by anyone, when she is major and free to move wherever she wants to move, as also marry any person of her choice?

10. In reply to it, Mr. Vivek Verma, learned counsel for the respondent no.4 submits that the family members of the *Corpus* are ready to get the *Corpus* married as per her choice. He also submits

that the parents of the *Corpus* as well as the respondent no.4 will act as per the wishes of the *Corpus*.

11. The *Corpus* is major. She cannot be detained by anyone against her wishes. She cannot be compelled to marry to any person against her choice. Therefore, this Court has no option, but to free the *Corpus*.

12. The petition is allowed.

13. The *Corpus* Ms. Prachi is free to go wherever she wants to go.

14. At this stage, the *Corpus* Ms. Prachi has said that she needs security because her family members may harm her and Deepanshu.

15. The Court directs Sub Inspector, Praveen Bisht, who has brought the *Corpus* in the Court to get the *Corpus* medically examined in B.D. Pandey Government Hospital, Nainital insofar as any injury on her person is concerned and place that report through learned State counsel in the record of this case.

16. The Court also directs the Station House Officer, Police Station SIDCUL, District Haridwar to provide adequate security to the *Corpus* Prachi and Deepanshu so that the respondent no.4 or any other family member or any other person may not cause any harm to them.

(Siddhartha Sah, J.)

(Ravindra Maithani, J.)

15.07.2026