2026:AHC:190088

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1031 of 2026

Pushpa Nishad And Another

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Trivikram Singh, Vinay Upadhyay, Manoj Kumar Dubey, Vipul Kumar Dubey
Counsel for Respondent(s)	:	G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

1. Shri Pramod Kumar Sahni has filed his appearance on behalf of respondent nos. 5, 7, 8 and 9 in Court today, which is taken on record.

2. By order dated 07.08.2026, the State was directed to produce the corpus, Nandini Nishad, before this Court. In compliance with the said order, the corpus has been produced before this Court by Sub-Inspector Kedar Nath Maurya, PNO 920721043, and Lady Constable Milki Kushwaha, PNO 252050277, Police Station Kandharapur, District Azamgarh.

3. This Court interacted with the corpus, Nandini Nishad, who disclosed that her date of birth is 15.08.2008. She stated that she has attained the age of majority and has studied up to Class XII. She further disclosed that she has voluntarily solemnized marriage with Arjun Nishad and wants to reside with him. She categorically stated that she is not in the illegal detention of any person and is living independently of her own free will. She further stated that she does not want to reside with her parents.

4. This Court also interacted with the petitioner, Pushpa Nishad, and her husband, Dinesh Nishad, who are the parents of the corpus. They submitted that Arjun Nishad is the cousin uncle of the corpus and, therefore, according to them, the marriage between the corpus and Arjun Nishad is prohibited under Hindu law. They further submitted that they want the custody of the corpus. However, it is apparent from the interaction that the corpus does not wish to reside with them.

5. This Court also interacted with Arjun Nishad, who stated that he wants to reside with the corpus and intends to solemnize marriage with her shortly. He further disclosed that he has been enlarged on bail by the coordinate Bench of this Court.

6. From the interaction with the parties, it is evident that the corpus, Nandini Nishad, has attained the age of majority. Therefore, in exercise of her fundamental rights guaranteed under Article 21 of the Constitution of India, she is entitled to choose her life partner as well as the place of her residence. In exercise of the said right, she has stated that she has voluntarily solemnized marriage with Arjun Nishad and now wishes to reside with him at the place of her choice.

7. This Court is not required to adjudicate upon the validity of the marriage between the corpus and Arjun Nishad in the present proceedings. This Court is concerned only with the question as to whether the corpus, having attained majority, is in illegal detention and whether she is entitled to exercise her right to choose her life partner and place of residence. From the interaction held with the corpus, it is evident that she is a major and is not in the illegal detention of any person. Rather, she is residing independently of her own free will.

8. In view of the foregoing, no case is made out for entertaining the present habeas corpus petition. The petition is, accordingly, ***dismissed***.

9. In view of the aforesaid facts and circumstances, the corpus, being a major woman, is at liberty to reside with a person of her choice and at a place of her choice. The State as well as respondent nos. 2 and 3 are directed to ensure the safety and security of the corpus and her husband and to escort them to the destination of their choice.

(Sandeep Jain,J.)

September 11, 2026
Mayank

Digitally signed by :-
MAYANK KUMAR SHARMA
High Court of Judicature at Allahabad