



HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1079 of 2026

Kunwar Sultan Ali And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ali Bin Saif, Dinesh Kumar Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

Learned counsel for the petitioner submits that the corpus, Ms. Divya Bhatia @ Zoya Diya Bhatia and Ms. Anshu Bhatia @ Amina Anshu Bhatia, aged about 20 years and 35 years, respectively, are the major daughters of respondent No.4, Anil Kumar Bhatia. It is contended that, being adults of sound mind, they have voluntarily renounced the Hindu faith and embraced Islam of their own free will, without any coercion, inducement, or undue influence. It is further submitted that they have also decided to solemnize their marriages in accordance with their own choice and wishes, which is a constitutionally protected right flowing from their personal liberty and autonomy.

Learned counsel further submits that respondent No.4, being aggrieved by the independent decisions taken by the corpus, has lodged a false and malicious First Information Report dated 04.05.2025, registered as Case Crime No.228 of 2025, under Section 87 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sadar Bazar, District Agra, with the sole object of frustrating the exercise of their lawful rights and compelling them to act against their wishes.

It is further argued that since the corpus have chosen to act contrary to the wishes of their father by embracing Islam and by deciding to marry persons of their own choice belonging to another faith, respondent No.4, in active connivance with the

local police authorities, has illegally confined and restrained their liberty.

Learned counsel further contends that the conversion of the corpus was voluntary and was an outcome of their independent exercise of conscience and free choice. Consequently, the provisions of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, are, *prima facie*, not attracted to the facts of the present case, there being no allegation or material to suggest that the conversion was brought about by force, misrepresentation, undue influence, coercion, allurement, or fraudulent means.

On the aforesaid premises, learned counsel for the petitioner prays that an appropriate writ, order, or direction be issued commanding the respondents to produce the corpus before this Court forthwith and, upon their production, to set them at liberty, if it is found that they are being illegally detained by respondent No.4 or any other person, so as to enable them to exercise their free will and reside at a place and with a person of their own choice.

Prima facie, from the averments made in the writ petition, it appears that both the corpus are major women who are legally competent to take independent decisions concerning their faith, marriage, residence, and future course of life. The pleadings further disclose that they have voluntarily renounced the Hindu religion, embraced Islam, and expressed their desire to solemnize marriage according to their own wishes. If these assertions are ultimately found to be correct, any interference by respondent No.4 or any other person in the exercise of such personal choices would amount to an unwarranted encroachment upon their constitutionally protected rights to dignity, privacy, personal liberty, and decisional autonomy. In such circumstances, the foremost duty of this Court in a petition for a writ of habeas corpus is to ascertain whether the corpus are acting of their own free will or are under any form

of illegal detention or restraint. Their production before this Court, therefore, becomes imperative to enable the Court to interact with them directly and to satisfy itself regarding the voluntariness of their decisions and the legality of their present custody.

Accordingly, the State as well as respondent No.4 are directed to ensure the production of the corpus before this Court on 06.08.2026.

In addition, issue notice to respondent No.4.

Steps shall be taken within three days by both ways.

In the event the corpus is not produced on the aforesaid date, respondent Nos.2 & 3 file their personal affidavit explaining the reasons for such non-compliance. The affidavits shall specifically disclose the bona fide, diligent, and effective steps undertaken by them to secure the production of the corpus in faithful compliance with this order and shall further indicate the additional measures proposed to be adopted to ensure his production before this Court.

List this matter as fresh on 06.08.2026.

(Sandeep Jain,J.)

July 30, 2026

Himanshu