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WP-32459-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

&

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 19th OF AUGUST, 2026

WRIT PETITION No. 32459 of 2026

SACHIN RAJORE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Mr. Vibhor Kumar Sahu - Advocate for petitioner.

Mr. C.P. Singh - Govt. Advocate for respondent Nos. 1 to 4 / State.

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ORDER

Per. Justice Gurpal Singh Ahluwalia

This petition under Article 226 of the Constitution of India has been filed in the nature of *habeas corpus*.

It is the case of petitioner that during the minority of *corpus*, respondent No. 5 had exploited her sexually, and accordingly, he is facing criminal trial. Now she has attained majority, and it was claimed that the *corpus* is in illegal detention of respondent No. 5.

The *corpus* was produced by Ms. Jyoti Rajput - Sub Inspector, Police Station Cantt. Guna.

It was submitted by the *corpus* that earlier she and respondent No. 5 had filed an application under the Special Marriage Act, but on the objection raised by her parents, said application was rejected. However, she has performed *nikah* with respondent No. 5, but claimed that she has not accepted the Muslim religion and



has not converted. She further claimed that she does not know about the provisions of Mohammedan law and she does not know as to whether a muslim boy can marry an idol worshipper/fire worshipper or not, but she further stated that the validity of marriage is important for her. The *corpus* has also refused to talk to her parents.

Although certain provisions of Mohammedan law were told to the *corpus*, but she insisted that she would like to stay with respondent No. 5, and she is also pregnant, carrying a pregnancy of 8 months.

Undisputedly, *corpus* is major aged about 19 years and 8 months. The scope of this petition is whether the *corpus* is in illegal detention or not. The validity of marriage is not the scope of this jurisdiction.

Accordingly, since the *corpus* has expressed her willingness to stay with respondent No.5, therefore, without commenting upon the validity of her *nikah* with respondent No. 5, she is allowed to live her life as per her wishes.

At the cost of repetition, it is once again clarified that although this Court, in view of the limited scope of jurisdiction, has permitted the corpus to live with respondent No. 5, but this order shall not be treated as an order thereby validating the *nikah*. In case if that question arises, then said aspect shall be considered by the court of competent jurisdiction.

With aforesaid observations, this petition is **dismissed**.

(G. S. AHLUWALIA)
JUDGE

(ANURADHA SHUKLA)
JUDGE

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