



2026:AHC:203543

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 81 of 2026

Kalawati Devi And Another

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kanhiya Lal Chauhan
Counsel for Respondent(s)	:	G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

By order dated 17.08.2026, the State was directed to produce the corpus, namely, Km. Pooja, before this Court. In compliance thereof, she has been produced before the Court by Sri Ravindra Nath Rai, S.H.O., Sri Dinesh Kumar Yadav, S.I., and Ms. Smita Patel, Lady Constable, Police Station Ghosi, District Mau.

This Court has interacted with the corpus in person. She has disclosed that she is about 25 years of age and has studied up to Class VIII. She has categorically stated that she is presently residing independently at Delhi and is neither in the illegal nor unlawful custody or detention of any person. She has further stated that she does not wish to reside with her mother, namely, the petitioner, Kalawati Devi, as, according to her, the conduct and behaviour of her mother towards her has not been cordial and she has frequently been subjected to assault and abuse at her parental home. On account of the aforesaid circumstances, she has expressed her clear and unequivocal unwillingness to return to or reside with her mother.

This Court has also interacted with the petitioner, Kalawati Devi, who is the mother of the corpus. She has denied the allegations levelled against her by the corpus and has expressed her desire that her daughter should reside with her at the parental home. However, upon interacting with the corpus and considering her statement in its entirety, this Court finds that she is a major and has consciously and voluntarily expressed her unwillingness to reside with her mother.

Once the corpus has attained majority and has made a clear, voluntary and unequivocal choice as to the place of her residence, her autonomy and

decisional freedom are entitled to due recognition. A major person cannot be compelled, against her expressed will, to reside with a particular person merely because such person happens to be her parent. The jurisdiction of this Court in a habeas corpus proceeding is directed towards securing release from illegal or unlawful detention, it cannot ordinarily be invoked to compel an adult corpus to reside with a person against her will when no illegal detention is established.

In the present case, there is no material on record to indicate that the corpus is under any form of illegal or unlawful detention or that her liberty is being curtailed by any person. On the contrary, she has categorically stated before this Court that she is residing independently at Delhi of her own volition. Her statement further reflects a conscious and voluntary decision not to reside with her mother.

In view of the aforesaid facts and circumstances, the essential foundation for maintaining the present habeas corpus petition is conspicuously absent. No case of illegal or unlawful detention is made out against any person and, consequently, no further relief can be granted in exercise of the extraordinary writ jurisdiction of this Court.

Accordingly, the present habeas corpus petition is **dismissed**.

The corpus, being a major and competent person, shall remain at liberty to reside at a place of her choice and with a person of her choice.

September 28, 2026
Himanshu

(Sandeep Jain,J.)