

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

HCP No. 89/2026, CM No.(4398/2026)

PARVAIZ AHMAD KHAN

.....Petitioner(s)

Through: Mr.Hussain Rashid, Advocate

V/s

UNION TERRITORY OF J AND K AND OTHERS

... ..Respondent(s)

Through : None

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

17.07.2026

1. The petitioner through the medium of present petition has sought a writ of Habeas Corpus commanding respondents 1 to 4 to immediately trace, secure and produce his daughter (hereinafter 'the corpus') before the Court. A further direction permitting the corpus to interact with the Court in a free and fair atmosphere so that her wishes are independently ascertained, has also been sought. Certain other reliefs have also been sought by the petitioner through the medium of present petition.
2. According to the petitioner, the corpus had contracted a valid Nikah with one Yasir Altaf Khan in accordance with Muslim Personal Law and the said marriage is subsisting. It has been submitted that on 16.04.2026, the corpus on the pretext of collecting certain educational documents from Chandigarh, was

allowed to proceed to Chandigarh, but after leaving her home she did not maintain contact with her family. It has been submitted that the petitioner lodged a missing report with the Police and during the course of enquiry it came to the fore that respondent No.5 is claimed to have contracted marriage with the corpus.

3. It has been submitted that a petition bearing WP(C) No.1040/2026 came to be filed by the corpus and respondent No.5 seeking protection from harassment, which came to be disposed of by this Court vide order dated 17.04.2026 with a direction to the official respondents to ensure that no unjustified harassment is caused to the corpus and respondent No.5 and that they should be provided with protection as and when asked for. The Court, however, made it clear that it is not expressing any opinion regarding the validity of the marriage between the corpus and respondent No.5 and that parents and siblings of the corpus would be at liberty to question the alleged marriage between the corpus and respondent No.5 before the competent civil Court.

4. According to the petitioner he has serious doubts about the alleged religious conversion of the corpus and in view of the subsistence of previous marriage of the corpus, her second marriage is otherwise illegal. It has been submitted that the petitioner desires that statement of the corpus be recorded by this

Court in a conducive atmosphere without coercion or undue influence from any quarter, so that the corpus can exercise her free choice.

5. I have heard learned counsel for the petitioner and perused record of the case.

6. It appears from the documents annexed with the writ petition that the corpus and respondent No.5 had filed a writ petition bearing WP(C) No.1040/2026 before Jammu Wing of the High Court. In the said writ petition it was pleaded by the writ petitioners that they have entered into wedlock on 22.12.2025 at Arya Samaj Temple, Janipur Jammu. It was also pleaded that the writ petitioners are of major age, sound mind and are capable of entering into marital ties under the law. The further pleading of the writ petitioners was that the corpus has voluntarily undergone conversion, whereafter she has entered into wedlock with respondent No.5. The writ petitioners alleged that family members of the corpus, including the petitioner herein, are harassing them and, as such, they may be granted police protection.

7. It seems that the learned writ Court recorded the statements of the writ petitioners and also considered the documents like, school certificates, Aadhar cards and the marriage certificate, whereafter it was found that the writ petitioners were major and in view of the statements made by the

writ petitioners before the Court, the learned writ Court vide order dated 17.04.2025 directed the official respondents to ensure that no unjustified harassment is caused to the writ petitioners and that they are provided protection as and when asked for. While passing the said direction the learned writ Court made it clear that no opinion is being expressed on the validity of the marriage and that the family members of the corpus are at liberty to question the validity of the alleged marriage.

8. From the above, it is clear that the statement of the corpus has been recorded by a co-ordinate Bench of this Court and on the basis of her statement, she has been allowed to go with respondent No.5, leaving it open to the petitioner herein and the other family members to question legality of the marriage between the corpus and respondent No.5.

9. No material has been brought on record by the petitioner to persuade this Court to hold that the statement of corpus recorded by a co-ordinate Bench of this Court was made by her under undue influence or coercion. Asking the corpus to make another statement before this Court would indirectly amount to reviewing the earlier proceedings that have taken place in WP(C) No.1040/2026, which is not permissible in law. If at all the petitioner has any grievance with regard to the validity of marriage of corpus with respondent No.5, he is at liberty to challenge the same before a civil Court and in this

regard liberty has already been granted by the Court while disposing of WP(C) No.1040/2026.

10. A writ of Habeas Corpus can be issued for production of corpus only if it appears to the Court that the corpus has been detained in the circumstances which give rise to commission of an offence or that the corpus has been detained against his/her wishes. In the present case, the material on record shows that the corpus is residing with respondent No.5 out of her own will and volition. Her marriage with respondent No.5 may or may not be valid, but once the corpus is major and she has made an informed choice to live with respondent No.5, her stay in the company of the said respondent does not amount to any offence. In fact, it is not even being alleged by the petitioner in the present petition that the corpus has been detained in the circumstances which give rise to suspicion that an offence has been committed against her. Thus, a writ of Habeas Corpus cannot be issued for directing her production before the Court.

11. In view of the above, the writ petition being without any merit is dismissed accordingly.

(SANJAY DHAR)
JUDGE

SRINAGAR
17.07.2026
Sarveeda Nissar

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No