

Court No. - 66

Case :- HABEAS CORPUS WRIT PETITION No. - 446
of 2020

Petitioner :- Pooja @ Zoya

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- A.Z.Khan

Counsel for Respondent :- G.A.,G.A.

Hon'ble J.J. Munir,J.

In compliance with the *rule nisi* issued by this Court, on 24.09.2020, the detenu, Pooja *alias* Zoya, has been produced before this Court by lady Constable Rajni Yadav (P.N.O. No.162573279), posted at P.S. Nagal, District Saharanpur, who has identified the detenu, Pooja *alias* Zoya.

This Court, accordingly, proceeds to ascertain her stand in the matter, which is recorded *verbatim*:-

Q. Aapka nam?

A. Pooja alias Zoya.

Q. Aapki aayu?

A. 19 saal.

Q. Aapke pita ji ka nam?

A. Pramod.

Q. Aapne shadi ki hai?

A. Haa.

Q. Kab ki hai?

A. 5.8.2020 ko.

Q Aapke pati ka nam?

A. Shahwej.

Q. Aap kisake sath jana chahti hai?

A. Apne pati ke sath.

This Court notices that the first petitioner, Pooja *alias* Zoya has forsaken her native religion which is Hindusim and converted to Islam in order to marry Shavez s/o Sajid. Though, under the Constitution, a citizen has the right to profess practise or propagate the religion of his / her

choice but it is disconcerting that in matrimonial matters one party should change his / her faith to the other's just for the sake of matrimony and nothing more. Marriage is one thing and religion quite another. If two citizens of India professing different religions wish to marry, it is open to them to do so under the Special Marriage Act, 1954, which is one of the earliest endeavours towards a uniform Civil Code. This Court does not wish to say anything more.

Going by the statement of the detenu, Pooja *alias* Zoya, who is not disputed to be a major by the learned counsel, appearing on behalf of the 4th respondent, she has indicated her clear choice to stay with her husband with whom she claims to have married. She is a major and she is free to do so.

In the result, the *rule nisi* is made absolute. The detenu, Pooja *alias* Zoya is ordered to be set at liberty forthwith. She is free to stay with whomsoever she wants and go wherever she likes. Since she has indicated her desire to go along with her husband, she is free to do so.

This petition is **allowed**.

The sum of Rs.15,000/- deposited by the petitioner under orders of this Court, shall be refunded to him forthwith by the Registrar General, through an appropriate bank instrument payable in account at Saharanpur.

Order Date :- 8.10.2020

Neeraj