



IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.30 of 2026

Smt. Jhunurani Khuntia

....

Petitioner

Represented by Adv.–
Mr. Parsuram Panda, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Represented by Adv.–
Ms. Biswapara Dash, A.S.C. for the State

**CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN**

Order No.

**ORDER
23.03.2026**

01. 1. It is one of the classical examples of fancy litigation at the behest of mother of a major girl giving a colour of kidnapping by opposite party No.4.
2. Admittedly, the girl is major and capable of taking decision of her life. The petition is cleverly drafted giving a vibrant colour of illusory cause of action when the reality is something different. The Court immediately steps in when a minor girl is kept in a wrongful



and illegal detention, but on the basis of the pleadings, which is reflective of the fact that she is a minor. At the time of hearing, the truth has triumphed and the undisputed facts have revealed that the girl is major.

3. The Court always frowned upon the litigation founded upon a tailored fact and calibrated for the purpose of inviting the attention of the Court to invoke the jurisdiction enshrined under Article 226 of the Constitution of India. Undisputedly, the girl is major and have left the parental house of her own volition eroding the concept of alleged kidnapping by opposite party No.4. Since she has attained the marriageable age, she has disclosed in her statement recorded before the Judicial Officer that she has married opposite party No.4 and is merrily and happily residing with him. She has further percolated her strong decision that she does not intend to go back to the parental house as the parents have not accepted the relationship with opposite party No.4 and were attempting to give her in marriage forcibly with another person. Even she has been physically assaulted at home, but the same could not deter her to stand by her decision and for such reason, she left the house and married opposite party No.4. Such being the revelation made by the girl before the Magistrate, which



cannot be said to be an outcome of coercion and/or duress, the same has to be accepted.

4. A reformatory change must come in the societal mind in not treating the child as their chattel or the commodity nor should treat the child to act as per their dictate and/or command. The moment the child has attained majority, the law recognizes her independence which should not be squeezed or be perceived within the limited arena. The girl who attained majority is not only capable of giving her consent to the marriage, but also capable of taking up conscious decision in his/her life and the parents should avoid imposing their own decision or the notion on the child. Mere providing shelter and food for animal existence by the parents does not absolve the onerous duty as a parent, but the emotional connect must also be established with the child and they should come out of their conservative mindset and interact with the child in pursuit of understanding emotions and decisions which he/she takes in the life. The role of the parents is like a mentor, the guide and above all the sustenance of the child in commensurate with the vibrant changes in the mindset of the society. Imposition of their decision on the child can bring a cascading effect



not only in the development of the child, but also impact in the future and at times, the situation may become irreversible.

5. The submission is made before this Court that the petitioner must be permitted to meet the major girl, which cannot be acceded to, more particularly, on the statement made by her before the Magistrate.

6. The girl has already been traced out and is living happily with her husband and we find that the instant writ petition in the nature of *habeas corpus* is taken out by the petitioner on unsubstantiated and false statements, which no Courts in the country would encourage such litigant in securing the reliefs claimed therein.

7. The writ petition is, thus, dismissed.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge