

(2009) 05 SC CK 0037

In the Supreme Court Of India

Case No : CRLMP No"s. 19254-19255 of 2008

Fiaz Ahmed Ahanger and Others

APPELLANT

Vs

State of Jammu & Kashmir

RESPONDENT

Date of Decision : 21-05-2009

Acts Referred:

Majority Act, 1875 — Section 3

Citation : (2009) 05 SC CK 0037

Hon'ble Judges : Markandey Katju, J;Deepak Verma, J

Bench : Division Bench

Advocate : June Chaudhary with Mr. Jai Singh and Ms. Jyoti Mendiratta, for the Appellant;

Judgement

1. Issue notice.

Chanchali Devi/Mehvesh Anjum has appeared before us and has stated that she is 21 years of age and has baby girl. We are satisfied that she is a major. She further states that she want to continue to live with Petitioner Fiaz Ahmed Ahanger with whom she is voluntarily living of her own choice and whom she married on 18.12.2007.

2. This is free democratic and secular country. Once a girl is above 18 years of age, it is her choice with whom to live with whom to marry with, as held by this Court in Lata Singh Vs State of U.P. and Another . As observed by us in the aforesaid decision, if the parents of the girl do not approve of the intercaste of inter-religion marriage of a major girl, the maximum they can do is that they cant cut of social relations with the daughter but they cannot give threats or commit or instigate acts of violence and cannot harass the person, as such acts would be unlawful.

3. In such cases of intercaste or inter-religion marriage the Court has only to be satisfied about two things:

(1) that the girl above 18 years of age, in which case, the law regards her as a

major vide Section 3 of the Indian Majority Act, 1875. A major is deemed by the law to know what is in his or her welfare.

(2) The wish of the girl.

In the circumstances, we direct that nobody will harass, threaten or commit any acts of violence or other unlawful act on the Petitioner, Chanchali Devi/Mehvesh Anjum and the Petitioner's family members and they shall not be arrested till further orders in connection with the case in question. If they feel insecure, they can apply to the police and, in such event, the police shall grant protection to them.