

(2019) 09 J&K CK 0084

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 2817 Of 2019, CM No. 5579 Of 2019

Insha Bashir And Another

APPELLANT

Vs

State Of Jammu & Kashmir And Others

RESPONDENT

Date of Decision : 13-09-2019

Acts Referred:

Citation : (2019) 09 J&K CK 0084

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Mudasir Ahmad, B. A. Dar

Final Decision : Disposed Of

Judgement

Sanjeev Kumar, J

1. The petitioners seek a direction to respondents 1 to 3 to provide them the police protection as they apprehend danger to their lives from respondent no.4. It is submitted that the petitioners are major and out of their free will they got married. Copy of Nikah Nama and copy of date of birth certificate of petitioner no.1 have been placed on record. They submit that since they have contracted the marriage against the wishes of respondents 7&8, as such, they are facing harassment at the hands of the relatives of respondent no.4.

2. Learned counsel for the petitioners refers to the decision of the Supreme Court in Lata Singh v. State of U.P. and anr.; 2006 (5) SCC 475, and submits that in absence of there being any legal impediment, the petitioners are entitled to marry according to their choice and the official respondents are duty bound to protect the life and liberty of the petitioners.

3. Any person having attained the age of majority is entitled to contract the marriage as per his/her wishes and the police department is duty bound to protect the life and liberty, if approached. However, it appears that the petitioners have not ever approached the official respondents for their indulgence

in the matter for providing protection to them.

4. I have heard the petitioners in person to ascertain as to whether they have contracted the marriage out of their free will and volition.

5. In this view of the matter, this petition is disposed of, at this stage, by providing that respondents 1 to 3 shall look into the grievance of the petitioners for providing them adequate security and to ensure that nobody interferes in the married life of the petitioners, if the petitioners approach them. It is made clear that no opinion has been expressed with regard to the age of the petitioners or with regard to the validity of their marriage, and the police is free to take a view on the basis of the available material and inquiry. If it is found that the parties, particularly petitioner no.1, are major and have married out of their own free will and consent, the necessary protection shall be extended to them.