

(2022) 09 J&K CK 0057

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 1825 Of 2022, Civil Miscellaneous No. 5106 Of 2022

Jaffar Ahmed Mughal And Anr

APPELLANT

Vs

UT Of J&K And Ors

RESPONDENT

Date of Decision : 26-09-2022

Acts Referred:

Citation : (2022) 09 J&K CK 0057

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : Irfan Khan, Raman Sharma

Final Decision : Disposed Of

Judgement

Sanjay Dhar, J

1. Through the medium of this petition, the petitioners seek a direction upon official respondents to provide them police protection as they apprehend danger to their lives from respondent Nos. 4 & 5, who are relatives of petitioner No. 2. It is submitted that the petitioners are major and that they have entered into wedlock out of their free will and volition. It is contended that because the petitioners have contracted the marriage against the wishes of respondent Nos. 4 & 5, as such, they are facing harassment at their hands. It is averred in the petition that respondent Nos. 4 & 5 have threatened to inflict harm on the petitioners and to kill the petitioners in order to satisfy their ego. The petitioners, therefore, seek protection and security cover from official respondents.

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 the 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. I have heard the counsel for the petitioners and perused the record on the file.

4. Perusal of the documents annexed with the writ petition reveals that the petitioners are major and they have contracted the marriage according to Muslim Law, rites and customs. Any person having attained the age of majority is entitled to contract the marriage as per his/her wishes and the police is duty bound to protect the life and liberty of such persons, if approached by the concerned parties. However, it appears that the petitioners have not approached the official respondents for their indulgence in the matter for providing protection to them. In this view of the matter, this petition is disposed of, at this stage, with a direction to the official respondents to provide adequate security cover to the petitioners in accordance with the law laid down by the Supreme Court in Lata Singh's case (*supra*) if and when petitioners approach them.

5. It is made clear that no opinion is being expressed with regard to the authenticity of age proof of the petitioners, as also with regard to the validity of their marriage. The police is free to take a view on the basis of the available material and thereafter proceed in accordance with the law.