
(2021) 02 J&K CK 0042

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 267 Of 2021, CM No. 938 Of 2021

Mohammad Yousuf Shakhsaz And Anr

APPELLANT

Vs

J&K Ut And Ors

RESPONDENT

Date of Decision : 19-02-2021

Acts Referred:

Citation : (2021) 02 J&K CK 0042

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : Musavir Mir

Final Decision : Disposed Of

Judgement

1. Through the medium of instant petition, the petitioners seek a direction upon official respondents to provide them adequate protection as they

apprehend danger to their lives from the private respondents. It is submitted that the petitioners are major and that they have entered into wedlock out

of their free and volition. In support of their contention, the petitioners have placed on record copies of Nikah Nama, marriage agreement, affidavit of

petitioner No.2 and a photocopy of certificate issued by Principal, Govt. Higher Secondary School, Litter Pulwama, wherein date of birth of petitioner

No.2 is shown as 20.03.2002.

2. It is contended in the petition that because the petitioners have contracted marriage against the wishes of private respondents, as such, they are

facing harassment at hands of private respondents.

3. Learned counsel for the petitioners while placing reliance on the judgment of the Supreme Court in Lata Singh v. State of U.P. and anr. 2006 (5)

SCC 475, submitted that in absence of there being any legal impediment, the

petitioners are entitled to enter into wedlock as per their choice and the official respondents are duty bound to protect their life and liberty.

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

5. Perusal of the record annexed with the writ petition reveals that the petitioners are major and they have contracted marriage according to Muslim

Personal 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.

6. Keeping in view the relief sought, this writ 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 v. State of U. P. (2006) 5 SCC 475, if and

when petitioners approach them.

7. It is made clear that no opinion is being expressed with regard to the authenticity of age proof of age of the petitioners, particularly that of

petitioner No.2 as also with regard to the validity of their marriage. The official respondents are free to take a view on the basis of the available

material and thereafter proceed in accordance with the law.