

(2021) 02 J&K CK 0079

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 210 Of 2021, CM No. 798 Of 2021

Muthira Altaf And Anr

APPELLANT

Vs

Union Territory Of J&K And Ors

RESPONDENT

Date of Decision : 12-02-2021

Acts Referred:

Citation : (2021) 02 J&K CK 0079

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : A. G. Mansoor

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 contended in the petition 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.1, copy of the certificate issued by J&K State Board of School Education showing the date of petitioner No.1 as

27.12.2000, copy of Aadhar Card of petitioner No.1 and copy of birth certificate of petitioner no.2.

2. It is contended in the petition that because the petitioners have contracted marriage against the wishes of private respondent No.1, as such, they are

facing harassment at hands of relatives of petitioner No.1.

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, 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 the petitioners, particularly that of petitioner

No.1 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.