

(2022) 12 J&K CK 0031
In the Jammu And Kashmir High Court
Case No : Writ Petition (C) No. 2839 Of 2022

Roomy Rashid & Another

APPELLANT

Vs

Union Territory Of J&K & Ors

RESPONDENT

Date of Decision : 14-12-2022

Acts Referred:

Citation : (2022) 12 J&K CK 0031

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : Jamsheed Bhat, Asifa Padroo

Final Decision : Disposed Of

Judgement

Sanjay Dhar, J

1. The case set up in the petition is that the petitioners are major and have contracted the marriage out of their free will and volition and they are living as husband and wife. The petitioners apprehend harassment at the hands of respondent Nos.9 and 10 who, according to them, are trying to get petitioner No.1 married to some other person. It is also averred in the petition that the respondent Nos.9 and 10 have, with the help of some hooligans, made several attempts to beat up the petitioners. It is also contended in the petition that the petitioner No.1 has not been kidnapped or abducted by anybody but she has, out of her own free will, contracted marriage with petitioner No.2 and both are living peacefully.

2. It is also averred in the writ petition that the official respondents have started hunting for the petitioners and their relatives and are harassing them though the official respondents are under an obligation to ensure that the petitioners are not exposed to any threat or danger. It is further averred in the petition that in spite of petitioner No.2 having submitted copies of the Nikah Nama and marriage agreement before the official respondents still then these documents were not taken note of. The petitioners, therefore, seek protection and security cover from

official respondents.

3. 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.

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

5. Perusal of the documents annexed with the writ petition, prima facie, reveals that the petitioners are major and they have contracted the 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, 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.

6. 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 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 police is free to take a view on the basis of the available material and thereafter proceed in accordance with the law.