

(2022) 10 J&K CK 0013

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 1798 Of 2022, Civil Miscellaneous No. 4433,
4434 Of 2022

Shagufta Akhter And Another

APPELLANT

Vs

UT Of J&K And Others

RESPONDENT

Date of Decision : 13-10-2022

Acts Referred:

Citation : (2022) 10 J&K CK 0013

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Altaf Mehra

Final Decision : Disposed Of

Judgement

Sanjeev Kumar, J

1. The petitioners seek a direction to official respondents to provide them the police protection as they apprehend danger to their lives from respondents 4 and 5. It is submitted that the petitioners are major and out of their free will they got married. Copy of Nikahnama has been placed on record. They submit that since they have contracted the marriage against the wishes of respondents 4 and 5, as such, they are facing harassment at their hands.

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. In this view of the matter, this petition is disposed of, at this stage, by providing that the official respondents shall look into the grievance of the petitioners for providing them adequate security and to ensure that nobody interferes in their married life, if they approach them. It is made clear that no opinion has been expressed with regard to the validity of their marriage.

5. The writ petition is, accordingly, disposed of.