
(2023) 09 J&K CK 0032

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 2508 Of 2023

Shagufta Majed & Anr

APPELLANT

Vs

Union Territory Of J&K & Ors

RESPONDENT

Date of Decision : 22-09-2023

Acts Referred:

Citation : (2023) 09 J&K CK 0032

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Mir Tashveeq Gowhar, Maha Majeed

Final Decision : Disposed Of

Judgement

Rajnesh Oswal, 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 respondents No.5 and 6, who are the relatives of petitioner No.1 and petitioner No.2.

2. It is also averred in the writ petition that the private respondents have started harassing the petitioners with the aid of the official respondents, though the official respondents are under an obligation to ensure that the petitioners are not exposed to any threat or danger. 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 consider the grievances of the petitioners and if the same are found genuine, the official respondents shall provide security 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. The official respondents shall also verify the genuineness of the educational testimonials of the petitioner No.1.

7. It is made clear that no opinion has been 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.