

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**WP(C) No. 1084/2025
CM No. 2574/2025
CM No. 2662/2025**

Rozia Bassary and anr.

.....Appellant(s)/Petitioner(s)

Through: Ms. Surbhi Kotwal, Advocate &
Mr. Amjed Hussain, Advocate

vs

The UT of J&K and ors.

..... Respondent(s)

Through: Ms. Mrinal, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

**ORDER
20.05.2025**

1. Through the medium of the instant petition filed under the provisions of Article 226 of the Constitution of India, the petitioners have sought issuance of writs/directions *inter-alia* in the nature of mandamus for commanding respondent Nos. 1 and 2 to provide them adequate security cover as they are apprehending danger to their lives at the hands of private respondent Nos. 3 to 6, for the reason that they have contracted marriage with each other out of their own free will and consent.
2. The case of the petitioners in nutshell is that they being major have contracted marriage with each other as per Muslim Personal Law, out of their own free will and consent. That the private respondent Nos. 3

to 6 who are the relatives of petitioner No. 1, being unhappy with their marriage, have been extending open threats to them, on account of which fact, they apprehend danger to their lives. That the private respondent Nos. 3 to 6 may have approached respondent Nos. 1 and 2 by filing false and frivolous complaint, on account of which fact also, petitioner No. 2 apprehends his arrest. On the previous date of hearing, the petitioners have been directed to place on record their domicile certificates, in connection whereof, the petitioners have filed CM No. 2662/2025 with a prayer for placing on record the copies of their domicile certificates. The said application supported with an affidavit and enclosed with the copies of the domicile certificates of the petitioners, has been perused. The same is taken on record. Copies of the Aadhar Cards of the petitioners are placed on the file as Annexure 'I', which reveals that their being major. The petitioners have also placed on record the copies of their academic testimonials as well as of alleged Nikahnama dated 01.01.2025.

3. I have heard learned counsel for the petitioners who *inter alia* submitted that the petitioners being major have contracted marriage with each other, out of their own free will and consent as per requirements of Muslim Personal Law. That since petitioner No. 1 has contracted her marriage with petitioner No. 2 without consent of her relatives, as such, her relatives including respondent Nos. 3 to 6, have been extending life threats to the petitioners. That the private respondent Nos. 3 to 6 may have also approached the official

respondents with some frivolous complaint, on account of which, petitioner No. 2 apprehends his arrest. Learned counsel submitted that the petitioners are entitled to be protected for contracting marriage, out of their own free will in view of the judgment of the Hon'ble Apex Court, titled as '*Lata Singh vs. State of U.P. and ors.*' reported in AIR 2006(5) SCC 475.

4. It is submitted by appearing Assisting Counsel for official respondents that the matter may be dealt with in accordance with law.
5. The petitioners who are present in person have again submitted before this Court that they are major and have contracted marriage with each other, out of their own free will and consent. Petitioner No. 1 submitted that she has been living with petitioner No. 2 at his home.
6. Statements of the petitioners have also been got recorded by the learned Registrar Judicial of this Court upon their identification by Mr. Amjed Hussain, Advocate.
7. In the facts and circumstances of the case, this Court is of the opinion that the matter needs to be disposed of at this threshold stage by passing appropriate orders under law.
8. Accordingly, the petition is allowed and the official respondent Nos. 1 and 2 are directed to ensure that the life and personal liberty of the petitioners is not interfered with who shall be extended protection as and when they approach for such assistance. The private respondent Nos. 3 to 6 are also directed to refrain from causing any illegal harassment to the petitioners.

9. This order shall, however, may not be construed as any opinion of this Court regarding the validity of the marriage.

10. **Disposed of.**

(MOHD YOUSUF WANI)
JUDGE

Jammu
20.05.2025
Neha-II

