

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

WP(C) No. 1850/2025
CM No. 4186/2025

1. Varsha, age 35 years
D/o Late Sh. Rajinder Roka,
W/o Tanish Kumar Sharma,
R/o H. No. 108, Nai Basti, Satwari,
Jammu.
2. Tanish Kumar Sharma, age 26 years
S/o Sh. Ajay Kumar, R/o Dhandpur,
Datyal, Datial, Jourian, Jammu.
A/p H. No. 101/C Lane No. 11, Shiv
Nagar, Jammu.

.....Petitioner(s)

Through: Ms. Surbhi Gupta, Advocate.

Vs

1. U.T of Jammu and Kashmir
Through Commissioner/Secretary,
Department of Home Affairs, Civil
Secretariat, Jammu.
2. Director General of Police, J&K.
3. Senior Superintendent of Police,
Jammu.
4. Station House Officer (SHO),
Police Station Khour.
5. Station House Officer,
Police Station, Bakshi Nagar.
6. Sh. Ajay Kumar, S/o late. Sh.
Ganpati Dass, R/o Dandpur, Datyal,
Datial, Jourian, Jammu.
A/p H. No. 101/C Lane No. 11, Shiv
Nagar, Jammu.
7. Smt. Sudesh W/o Ajay Sharma, R/o
Dandpur, Datyal, Datial, Jourian,
Jammu. A/p H. No. 101/C Lane No.
11, Shiv Nagar, Jamu.
8. Sakshi Sharma, W/o Abhinav
Sharma, H. No. 54, Lane 12, Swarn
Vihar, Police Colony, Muthi,
Jammu.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(16.07.2025)

1. Both petitioners are major in terms of their age and are well matured to take a call with respect to their personal life including in the matter of marital future and, as such, have solemnized marriage notwithstanding the age difference. Both the petitioners are said to be in the Government service.

2. The petitioners' marriage is being taken an exception to by the parental family of the petitioner No. 2 and that has given them apprehension that the petitioners can be exposed to any harassment at any given point of time from the end of the respondents No. 6 to 8 in order to frustrate the marriage of the petitioners and distance them from each other.

3. The petitioners are, thus, invoking writ jurisdiction of this Court under article 226 of the Constitution of India for an appropriate direction unto the respondents No. 3 to 5 to ensure safety and security of the petitioners from suffering any harm at the hands of the respondents No. 6 to 8 or anyone acting under their dictate or direction and further by registering any complaint/criminal case against the petitioners at the instance of the respondents No. 6 to 8.

4. Both petitioners are present in person.

5. This Court has examined them and they seem to be matured enough to understand the welfare and well being without requiring any tutoring from their parental side and, as such, the case is made out for indulgence.

6. Keeping in view the mandate and dictate of the Hon'ble Supreme Court as laid down in case of **Lata Singh vs. State of UP and anr, 2006 (5) SCC 475** in terms whereof a direction has been set into effect for the Civil Administration and Police Authorities throughout the Country to see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a girl or boy who is also major, then the marrying individuals are not to be harassed by any one nor to be subjected to threats or acts of violence, and in case any such threat or harassment is confronted to be inflicted on the individuals then the persons responsible for holding out such threats/harassments are to be taken to task by instituting criminal proceedings by the Police against such persons and further stern action to be taken as provided by law.

7. Article 144 of the Constitution of India mandates all Authorities, Civil and Judicial, in the territory of India to act in aid of the Hon'ble Supreme Court. Bearing this constitutional sanction in perspective and the directions of the Hon'ble Supreme Court set into place, it is a matter of duty for the Police Officials as well as officials of the concerned Civil Administration, irrespective of hierarchical position, to ensure that marrying individuals who are major and have chosen to become husband and wife out of their free will and volition are not to fear anybody causing any harm to their life and limb.

8. This petition at the threshold is **disposed of** with a direction to the respondent No. 3- Senior Superintendent of Police

(SSP), Jammu to ensure by issuing appropriate directions to the respondent No. 4-Station House Officer (SHO), Police Station Khour & respondent No. 5-Station House Officer, (SHO) Police Station, Bakshi Nagar that the petitioners, namely, Varsha and Tanish Kumar Sharma are not subjected to any harassment/intimidation/threats at the hands of the respondents No. 6 to 8 or any other person acting at the behest and/or on behalf of the respondents No. 6 to 8. Further more in case the Station House Officer (SHO), Police Station Khour & Station House Officer (SHO), Police Station, Bakshi Nagar or any other Police Station has registered any FIR at the instance of the respondents No. 6 to 8 against the petitioners or either of the two petitioners then also no arrest of the petitioners shall be carried out or facilitated by the Station House Officer (SHO), Police Station Khour & Station House Officer (SHO), Police Station, Bakshi Nagar.

9. **Disposed of.**

(RAHUL BHARTI)
JUDGE

JAMMU
16.07.2025
Shivalee