

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) 1885/2025

CM 4961/2025

HOORAIN GAZI @MAMT A & ANR. ...Petitioner(s)/appellant(s)

Through: Mr. Sami Sabir Lone, Advocate

Vs.

UT OF JK AND ORS ...Respondent(s)

Through: Mr. Mohsin Qadri, Sr. AAG with
Mr. Furqan Sofi, GA for 1 & 4

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

07.08.2025

1. Heard.
2. It is submitted by the learned counsel for the petitioners that he withdraws the instant petition as against the respondents except 1 & 4. His statement is taken on record. The petitioners, who are present in person, have also attested submission on their learned counsel regarding withdrawal of the petition as against the respondents 2, 3 & 5.
3. Registry shall update the memo of parties/title sheet of the petition.
4. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioners have sought the issuance of writs in the nature of:

Mandamus for commanding the respondents to (i)refrain from arresting them or otherwise interfering with their life and personal liberty through any sort of violence, threat or intimidation.

(i) to provide them necessary protection against any apprehended threat or injury.

5. It is the case of the petitioners that they are citizens of India and, as such, are entitled to invoke the extraordinary writ jurisdiction of this Court for redressal of their genuine grievances as well as for enforcement of their fundamental and other constitutional rights. That petitioner No. 1 was Hindu by birth but on 25.07.2025, she willingly and without any pressure has accepted Islam by reciting the Kalam with full understanding and of her own volition. That thereafter, she entered into marriage with petitioner No. 2, as per Islamic rites and customs, out of her free will and consent. That petitioner No. 1 intends to uphold the marriage sincerely and faithfully for life. That no one has forced or compelled her in any manner. That petitioner No. 1 was working at Elante Mall, Chandigarh, and was associated with catering work for various functions. That petitioner No. 2 was also engaged in catering services at functions in Chandigarh. That it was during the said period that they both came to know each other and eventually developed a mutual liking. That petitioner No. 1 left her parental home prior to 25.07.2025 as her family members were already opposing her decision. That petitioner No. 2 was also subjected to serious threats in connection with the matter. That since both of them are adult/major and qualified, therefore, they chose to make the significant decision of their life independently. That when petitioner No. 1 left her home, her parents directly assumed that she had gone to the company of petitioner No. 2. That since her leaving home, the entire situation turns hostile and both the petitioners are under serious threat. That parents of the petitioner No.

1 have approached the police, as such they apprehend threat to their lives. That petitioner No. 1 has entered into marital and conjugal relationship with the petitioner No. 2 voluntarily without any force or coercion after performing of Nikah in presence of major witnesses in lieu of an amount of Mehar fixed at the time of Nikah on 28.07.2025. That Nikah and Marriage Agreements dated 29.07.2025, with an affidavit are annexed with the petition as Annexure III & IV.

6. The petitioners who are present in person before the Court and whose identification was checked, corroborated the contents of their petition. Their statements were recorded by the learned Registrar Judicial of this Court in attestation of this petition and statements they gave before the Court. The petitioner No. 1 has placed on record the Xerox copies of her school certificates showing her DOB as 04.12.1998. The Adhar and PAN cards of the petitioner No. 1 were checked in the open Court, and the copies of the same were also retained on the file with her signatures on the same. The xerox copies of the school leaving certificate of petitioner No. 2 are also on the file which reveal his DOB as 01.01.2003.
7. The petitioners have also placed on record copies of alleged “Nikah Nama” with English translation, Marriage Agreement and affidavits regarding their marital status as Annexure V.
8. I have heard the learned counsel for the parties, Mr. Sami Sabir Lone, and Mr. Mohsin Qadri, learned, Sr. AAG considered their submissions.
9. In the facts and circumstances of the case, this Court is of the opinion that instant writ petition can be disposed of even at this stage

in light of the law laid down by the Hon'ble Supreme Court of India in case "***Lata Singh Vs. State of UP and Ors (2006) 5 SCC 475***", "***Arumugam Servia vs. State of Tamil Nadu (2011) 6 SCC 405***" decided on 19th April, 2011 and "***Shakti Vahini vs. Union of India and others (2018) 7 SCC 192***" decided on 27th March, 2018, by passing the appropriate directions to the respondents to safeguard the life and liberty of the petitioners so as to prevent any sort of undue harassment to them.

10. In the backdrop, the writ petition is disposed of with the following directions:

- i. The respondents shall ensure that no unjustified harassment, threat or torture is caused to the petitioners and they shall be provided protection under law as and when, asked for the same.

11. However, in view of the law laid down by the Hon'ble Supreme Court of India in "***Doly Rani Vs. Manish Kumar Chanchal [2024 Live Law (SC)=2024 SCC Online SC 754]***" decided on 19.04.2024", this order shall not be construed as any opinion of this Court regarding the validity of the alleged marriage of the petitioners.

12. Disposed of along with connected CM(s).

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
07.08.2025
ARIF