

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

WP(C)No. 1963/2025 in CM No. 5201/2025

Asha Bano and Anr.

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

Through: Mr. Parvaiz Lone, Advocate.

Vs.

Union Territory of J and K and Ors.

...Respondent(s).

Through:

CORAM:

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

ORDER
18.08.2025

1. Petitioners are present in person.
2. It is submitted by the learned counsel for the petitioners that it has inadvertently come to be mentioned in the synopsis that petitioners have no relation with the private respondents and in the affidavit of the petitioner No. 2 at Para-5 that she is going to contract the second marriage with the petitioner No. 2. It is submitted that the private respondents 5 and 6 are the father and uncle of the petitioner No. 1 when the petitioner No. 1 has contracted her first marriage with the petitioner No. 2.
3. Through the medium of the instant petition filed under Article 226 of the Constitution of India, petitioners have sought the issuance of directions/writs in the nature of mandamus for commanding upon the official respondents that they shall not harass them and instead ensure providing of protection to them as per their constitutional rights as they have contracted marriage out of their free will and consent.

4. It is the case of the petitioners that they being major have entered into a mutual wedlock out of their own free will and consent. That the petitioner No. 1 has contracted her marriage with the petitioner No. 2 without the consent of her home people especially the private respondents. That they have also executed a 'Nikah Nama' on 24.07.2025 which forms an annexure to their petition. That the private respondents are interfering with their peaceful marital life.

5. I have heard the learned counsel for the petitioners who submitted that the petitioners, being major, have contracted marriage with each other out of their free will and consent, however, without the consent of the private respondents. That the private respondents are threatening them and have been interfering with their marital life.

6. The petitioners have placed on record the scanned copies of their Date of Birth Certificates as also of the alleged "Nikah Nama". Perusal of the copies of the Date of Birth Certificates reveals that the Date of Birth of the petitioner No.1 Asha Bano is 20.07.2007, while as that of petitioner No.2 is 03.11.2003. As per copy of the alleged "Nikah Nama", the same appears to have been executed on 24.07.2025.

7. It is submitted by the learned counsel for the petitioners that the matter can be disposed of at this threshold stage in view of the law laid down by the Hon'ble Supreme Court in **"Lata Singh vs. State of UP and ors (2006) 5 SCC 475"**; and **"Arumugam Servia v. State of Tamil Nadu (2011) 6 SCC 405"** decided on 19th April 2011, by passing the appropriate directions upon the respondents to safeguard the life and liberty of the petitioners, to prevent any sort of undue harassment to them, and also interference with their matrimonial life.

8. Accordingly, the instant petition is admitted to hearing and upon hearing the petitioners as also their learned counsel, is disposed of at this threshold stage with the following directions:

I.The official respondents 1 to 4 shall ensure that no unjustified harassment is being caused to the petitioners and they shall be provided the protection as and when asked for the same;

II.The respondents 5 to 8 shall also desist from causing any illegal and unjustified harassment to the petitioners, so that their right to life and personal liberty is not interfered with.

9. However, in view of the ratio decidendi of the law laid down by the Hon’ble Supreme Court of India in Doly Rani Vs. Manish Kumar Chanchal [2024 Live Law (SC) 334 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 marriage as per Personal Law guaranteeing the parties.

10. Disposed of along with connected CM.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR:

18.08.2025

“Shahid Manzoor”