

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

WP(C) 2433/2025
Caveat 2441/2025

ALI MOHAMMAD LONE AND ANR.

...Petitioner/Appellant(s)

Through: Mr. M. Amin Khan, Adv.

Vs.

UNION TERRITORY THROUGH POLICE
STATION KHANSAHIB AND ORS.
(POLICE / HOME).

...Respondent(s)

Through: Mr. Jamsheed Bhat, Adv.

CORAM:

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

ORDER

07.10.2025

1. With the appearance of Mr. Jamsheed Bhat, Advocate, the Caveat stands discharged.

WP(C) No. 2433/2025

1. Heard.
2. The case of the petitioner in nutshell is that their daughter namely Mubeena who by now is hardly of 19 years of age, has been mislead and misguided by the private respondents who managed fake and forged Nikahnamma purporting a marriage, which violates the personal laws of the parties and was done without their consent. That their daughter has been made to approach this court through the medium of writ petition bearing WP(C) No. 2077/2025 and this court has disposed of the said writ petition vide order dated 25.08.2025 with the

direction to the official respondents therein i.e., the police department, to provide adequate security cover to the petitioners therein (their daughter Mubeena and her alleged husband Shakir Ahmad Lone) and to act in accordance with the law as laid down by the Hon'ble Supreme Court in ***Lata Singh v. State of U.P and Anr. 2006 (5) SCC 475*** and ***Shakti Vahini vs. Union of India and Ors. AIR 2018 SC 1601*** however, subject to condition that the official respondents will check and see as to whether parties have solemnized marriage in accordance with the prevalent laws. The official respondents have been further directed that in the eventuality of any FIR having been registered against any of the petitioners, the police may go ahead with the investigation under rules. That the petitioners have already lodged FIR with the Police Station Khansahib on 20.09.2025, wherein they submitted that their daughter namely Mubeena is missing and, as such, the action under law be initiated so that her person is recovered and her life and liberty is protected. That they have knowledge that their daughter has been kept under wrongful confinement by the private respondents.

3. The petitioners have accordingly prayed for issuance of directions/writs in the nature of mandamus for commanding the respondent No. 1 to produce Mst. Mubeena before this court from her wrongful confinement, so that her life and liberty is restored as guaranteed to her under Articles 21 and 22 of the Constitution of India.
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4. It is submitted by the learned counsel for the petitioners that the father of the girl has already approached the concerned police station with a compliant.
 5. Per contra, the learned counsel for the caveator/respondent No. 2 namely Shakir Ahmad Lone submitted that the allegations made by the petitioners as per the instant petition are not true and instead the fact is that the daughter of the petitioners namely Mst. Mubeena married with Respondent No. 2/caveator namely Shakir Ahmad Lone out of her own free will and choice who apprehending harassment from the present petitioners, have already approached this court through the medium of the writ petition bearing WP(C) No. 2077/2025 seeking protection from the harassment at the hands of the official as well as the private respondents, therein.
 6. This court while disposing of the said writ petition vide order dated 25.08.2025 has directed the official respondents to provide adequate security cover to them and to act in accordance with the law as laid down by the Hon'ble Supreme Court in *Lata Singh v. State of U.P and Anr.* 2006 (5) SCC 475 and *Shakti Vahini vs. Union of India and Ors.* AIR 2018 SC 1601.
 7. I have gone through the contents of the instant petition and also through the order dated 25.08.2025 already passed by this court on an earlier petition bearing WP(C) No. 2077/2025.
 8. It is also needful to mention that the father of the boy i.e., Abdul Majeed Lone also approached this court through a writ petition bearing WP(C) No. 2412/2025 which came to be disposed of on yesterday i.e., on 06.10.2025 by passing
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appropriate orders regarding protection of the petitioners therein, with a further direction to the official respondents therein to comply with the earlier order of this court dated 25.08.2025.

9. In the facts and circumstances of the case, this court is of the opinion that the matter can be disposed of even at this threshold stage by making such observations which shall safeguard the interests of both the parties.

10. This court while disposing of the main protection petition filed by the respondent No. 2 and the daughter of the petitioner on 25.08.2025 has made the protection order, subject to the conditions that official respondents will check and see as to whether parties have solemnized marriage in accordance with prevalent laws, and if there is an FIR against any of the petitioners, the police may go ahead with the investigation under rules. So it is clear that the official respondent in this petition i.e., UT of J&K Th. SHO Police Station, Budgam, who was also an official respondent in the aforesaid petition bearing WP(C) No. 2077/2025 is under an obligation pursuant to the order dated 25.08.2025 of this court to check and see as to whether the parties have solemnized marriage in accordance with prevalent laws and to go ahead with the investigation under rules in case of the registration of any FIR. The official respondent, therefore, is very much competent to see and verify whether the daughter of the petitioners is under wrongful confinement as alleged. In case she is proved to be in wrongful confinement as alleged, the official respondent is

within his powers to proceed in the matter in accordance with the law. Thus, it is clear that this court through the orders passed in the earlier petitions have safeguarded the interests of both the parties.

11. Writ petition is accordingly disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR:
07.10.2025
"Saḡena-PS"

