Sr. No. 208

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: WP(C) 934/2026

Rajesh Kumar and another ...Petitioner(s)

Through: Mr. Rohit Chandan, Advocate

VS.

Union Territory of J&K and others ...Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG

CORAM:

Hon'ble Mr. Justice Mohd. Yousuf Wani, Judge.

ORDER

15.04.2026

01. Petitioners are present in person too.

02. Through the medium of the instant petition, filed under Article 226 of the Constitution of India, the petitioners seek issuance of writs/directions in the nature of:-

a) M*andamus for commanding the official respondents 1 to 3 to protect the life, liberty and property of the petitioners, who are facing grave threat and intimidation at the hands of respondents 4 to 6, in view of the solemnization of their marriage, against their wishes, by providing adequate security to them.*

b) *The petitioners have also prayed for issuance of any other writ, order or direction which this Court may deem fit and proper in the facts and the circumstances of the case.*

03. It is the case of the petitioners that they being major have contracted marriage out of their own free will and choice in accordance with the Law. That

they have already solemnized marriage at "Arya Samaj Mandir, Janipur Jammu" in accordance with the Personal Law guaranteeing them, on 23rd November, 2024 and photocopy of "Arya Samaj Certificate" evidencing the "Marriage Ceremony' stands already executed forming **Annexure-I** to their petition. That the family of the petitioner No.2 has always remained against the relationship of the petitioners even prior to their marriage as a result of which the petitioner No.2 was subjected to great mental torture and agony. That petitioner No.2 chose to leave the parental home against the wishes of respondents 4 to 6 to live with the petitioner No.1 being her husband.

04. The statements of the petitioners were got recorded by the learned Registrar Judicial in attestation of their petition.

05. The petitioners have placed on record the scanned copies of the documents i.e. School Certificate and Aadhar Card of the petitioner No.2, Aadhaar Card of petitioner No.1 and the alleged "Marriage Certificate". Perusal of the copies of the School Certificate and Aadhaar Cards reveals that the Date of Birth of the petitioner No.1-Rajesh Kumar is 15th July, 2001, whileas that of petitioner No.2 is 21st October, 2001.

06. It is submitted by the learned counsel for the petitioners that since the petitioners being major have contracted marriage out of their own free will and choice, as such the instant writ petition be disposed of at this thresh-hold stage in view 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";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.

07. In the facts and circumstances of the case, this Court is of the opinion that the instant matter can be disposed of at this threshold stage by passing appropriate orders in accordance with the law.

08. Accordingly, the instant petition is disposed of at this thresh hold stage with the following directions:

i) The official respondents 1 to 3 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 4 to 6 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.

09. However, in view of the judgment 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

JAMMU:
15.04.2025
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