S-160

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) 1083/2026

Merjaina Bano and anr ...Petitioner(s)

Through: Mr. Zaffar Iqbal, adv.

VS.

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

Through: Ms. Monika Kohli, Sr.AAG

CORAM:

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

ORDER

21.04.26

01.Petitioners are also present in person.

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:

> *(i) "Mandamus for commanding upon the official respondents 1 to 4 to provide them the necessary protection as they are apprehending threat to their lives at the hands of private respondents 5 to 10 for contracting marriage out of their own free will and choice;*
>
> *(ii) Prohibition for restraining official respondents 1 to 4 to make unnecessary arrest of the petitioner No.2 being the husband of the petitioner No.1 and for restraining all the respondents from interfering into their matrimonial life."*

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 Personal Law. That they have already performed "Nikah Ceremony" in accordance with the Personal Law guaranteeing them on 24th March 2026. That a photocopy of "Nikah Nama" evidencing the "Nikah Ceremony' stands already executed forming an annexure-II to their petition. That the family of the petitioner No.1 has always remained against the

relationship of the petitioners and even threatening them of dire consequences. That the private respondents 5 to 10, who happen to be close relatives of petitioner No.1, are forcing her to enter into marriage somewhere else against her wishes. That the petitioners also apprehend that the aforesaid private respondents may lodge a false and frivolous complaint before the police concerned to get an FIR registered against the petitioner No.2.

04. The petitioners who are present in person and whose identification was checked, corroborated the contents of their petition. Their statements were got to be recorded by the Ld. Registrar Judicial of this court in attestation of this petition.

05.The petitioners have placed on record the scanned copies of their Adhaar Cards & date of birth certificate of petitioner No.1 and 2 as also of the alleged "Nikah Nama". Perusal of the copy of the Adhaar card of petitioner No.1 and birth certificate of petitioner No.2 reveals that Date of Birth of the petitioner No.1 Merjaina Banoo as 05th Feb. 2004, while as that of petitioner No.2 Mohd Younas as 3rd April 1994.

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 safe guard 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 of 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 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 10 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 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 alleged marriage.

10.Disposed of along with connected CM.

(Mohd. Yousuf Wani)
Judge

JAMMU
21.04.2026
"Ayaz"