

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

**WP(C) No.1634/2026
CM No.4284/2026**

Riyaz Ahmad Malla And Another

.....Petitioners

Through: Mr. Tawheed Ahmad, Advocate.

Vs

Union Territory of J&K And Others

..... Respondents

Through: None.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(13.07.2026)

01. The petitioner No.2- Gousia Rashid is daughter of Abdul Rashid Qureshi the petitioner No.2 is aged 38 years and on her free will and volition is said to have solemnized marriage with the petitioner No.1- Riyaz Ahmad Malla S/o Manzoor Ahmad Malla.

02. In support of their assertion that the marriage has been solemnized with their free and consent, the petitioners have placed on record a copy of the *Nikah Nama*, annexed with the writ petition as Annexure-I.

03. The petitioner No. 2 has also produced her Secondary School Examination Certificate issued by the Jammu & Kashmir State Board of School Education, which establishes her date of birth and confirms that she is of age of majority and was so at the

time of solemnization of her marriage. The petitioner No.1 is also major.

04. The petitioners are solemnizing a maiden marriage as both otherwise were unmarried.

05. The petitioner No.2's parental side is objecting to said marriage on account of caste issue and that is giving an apprehension to the petitioners that they may be subjected to harassment and harm with respect to their person at the hands of the private respondents by even getting them booked in a police case and, thus, seek protection from this Court.

06. There is a constitutional obligation resting not only upon the courts but also upon the civil and police administration of Country to carry out the compliance of the Hon'ble Supreme Court of India's dictate as given in the case of **"Lata Singh vs. State of U.P. & Another, (2006) 5 SCC 475"**, wherein the Hon'ble Supreme Court categorically held that two consenting adults are entitled to marry a person of their choice and that no individual or authority can interfere with such a decision. The Court further directed all administrative and police authorities across the Country to ensure that major individuals entering into inter-caste or inter-religious marriages are not subjected to threats, harassment, or violence and that strict

legal action be taken against those responsible for such unlawful acts.

07. This Court is no exception in matter of following of said mandate and, thus, allows this writ petition by directing the respondents No.9 to 12 to stay away from harassing the petitioners.

08. Accordingly, the present writ petition, along with the connected application is **disposed of** with a direction to the respondent No.3- **Senior Superintendent of Police, Budgam** and respondent No.4- **Senior Superintendent of Police, Baramulla** to ensure at their respective ends that the petitioners, if residing or working within the confines of respective districts, suffer no harassment from the end of the respondents No.9 to 12 and the petitioners are to be protected and for this purpose concerned Police Stations within their jurisdiction be also directed accordingly.

09. On the oral submission of learned counsel for the petitioners, this Court allows amendment/correction with respect to the spelling of name of the petitioner No.2's father as reflected in the writ petition.

10. Needful shall be done by the learned counsel for the petitioner before the Registrar Judicial, Srinagar who shall

thereafter issue copy of this order to the counsel for the petitioners.

(RAHUL BHARTI)
JUDGE

SRINAGAR
13.07.2026
“Opinder”

