

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

**WP(C) No. 1697/2026
CM No.4462/2026**

Humirah Jan & Anr.

....Petitioner/Appellant(s)

Through :- Mr. Shabir Ahmad Shah, Advocate.

V/s

UT of J&K & ors.

....Respondent(s)

Through :- None.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

**ORDER
17.07.2026**

1. The petitioners have invoked the extraordinary writ jurisdiction of this Court under article 226 of the Constitution of India seeking protection of their life and personal liberty. It is averred that petitioner No.1 and petitioner No.2 are of majority and maturity who have solemnized marriage on their own free will and volition. However, said matrimonial alliance has not found favour with their respective family members, who are allegedly extending threats to the petitioners and attempting to interfere with their peaceful married life.
2. 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* dated 08.07.2026.

3. The petitioner No. 1 has also produced her School Certificate issued by the Headmaster, Govt. High School, Hawoorah, Zone Qaimoh Kulgam, which establishes her date of birth and confirms that she has attained the age of majority at the time of solemnization of the marriage. The petitioner No. 2 is also stated to be a major.
4. The petitioners are presently in hiding owing to a genuine apprehension of danger to their lives and personal liberty. According to them, the respondents No. 7 & 8, being aggrieved by their decision to marry against the wishes of their families, are likely to subject them to harassment, intimidation or physical harm.
5. The issue is no longer *res integra*. In **Lata Singh v. State of U.P. & Another, (2006) 5 SCC 475**, the Hon'ble Supreme Court has categorically held that two consenting adults are entitled to marry 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 individuals entering 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.
6. Article 144 of the Constitution of India mandates that all authorities, civil and judicial, shall act in aid of the Hon'ble Supreme Court. The law declared by the Supreme Court under Article 141 is binding upon all courts and authorities. Consequently, it is the bounden duty of the police and civil administration to ensure that adults who have lawfully chosen

to marry of their own free will are afforded adequate protection and are not subjected to any form of harassment, intimidation, or violence.

7. In view of the aforesaid facts and the settled legal position, no further adjudication on the merits of the controversy is called for.
8. 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 (SSP), Kulgam and respondent No.4—Senior Superintendent of Police (SSP), Kupwara, to issue appropriate directions/instructions to the respondent No. 5—Station House Officer Police Station, Wanpoh, Kulgam and respondent No.6- Station House Officer Police Station Qalamabad, Kupwara, so as to ensure that the petitioners, namely Humirah Jan and Umar Yousuf Mir, are not subjected to any harassment, intimidation, threats, or physical harm at the hands of the respondents No. 7 & 8 or any other person acting at their behest.
9. **Disposed of.**

(Rahul Bharti)
Judge

Srinagar
17.07.2026
Muzammil. Q