

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

WP(C) No. 1704/2026

Jahangir Alam Nadaf & Anr.

....Petitioner/Appellant(s)

Through :- Mr. Jamshed Bhat, Advocate.

V/s

UT of J&K & ors.

....Respondent(s)

Through :- None.

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

ORDER
22.07.2026

1. The petitioners, claiming to be major, have invoked the writ jurisdiction of this Court under article 226 of the Constitution of India, seeking protection of their life and personal liberty. They submit that they have solemnized their marriage out of their own free will and volition without any coercion, inducement or undue influence. Their marriage, however, is vehemently opposed by their respective family members particularly private respondents No.4 and 5, who have allegedly extended threats of physical harm and dire consequences, as such, seeks intervention of this Court.
2. In support of their assertion that the marriage has been solemnized with their own free will and consent, the petitioners have placed on record a copy of the *Nikah Nama* dated 29.06.2026. 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 had attained the age of majority at the time of solemnization of the marriage. The petitioner No.1 is also stated to be a major.

3. Learned counsel for the petitioners submits that the petitioners, being adults, possess an unquestionable constitutional right to choose each other as life partners. It is contended that the opposition of their family members cannot justify any interference with their liberty or expose them to threats and violence.
4. The scope of the present petition is extremely limited. This Court is concerned only with the protection of the life and personal liberty of the petitioners and not with the adjudication of the validity of their marriage or any other civil rights arising therefrom.
5. Article 21 of the Constitution guarantees that no person shall be deprived of his or her life or personal liberty except according to procedure established by law. The expression "life" under article 21 of the Constitution of India has consistently received an expansive interpretation by the Hon'ble Supreme Court encompassing the right to live with dignity, autonomy and freedom to make intimate personal choices.
6. The right of two consenting adults to marry or reside together is an intrinsic part of their constitutional autonomy. Once both individuals are legally competent to make such a choice, neither the State/UT nor

private individuals including family members can interfere with that decision by resorting to threats, coercion or violence.

7. In **Lata Singh v. State of U.P.**, reported as (2006) 5 SCC 475, the Hon'ble Supreme Court unequivocally held that a major woman is free to marry anyone of her choice and directed the police authorities throughout the Country to ensure protection to such couples against threats and harassment.
8. Again, in **Shafin Jahan v. Asokan K.M.**, reported as (2018) 16 SCC 368, the Hon'ble Supreme Court reiterated that the choice of a partner lies within the exclusive domain of the individual and constitutes a vital aspect of liberty guaranteed under article 21 of the Constitution of India.
9. Thus, the legal position is no longer *res integra*. Constitutional morality must prevail over social morality whenever the two are in conflict. Personal choices made by competent adults cannot be subjected to violence, intimidation or social coercion merely because such choices do not receive familial or societal approval.
10. This Court is satisfied that the petitioners have established a genuine apprehension to their life and personal liberty. Such apprehension deserves immediate protective intervention.
11. In view of the aforesaid facts and the settled legal position, no further adjudication on the merits of the controversy is called for.
12. Accordingly, the present writ petition is **disposed of** with a direction to respondent No. 2–Senior Superintendent of Police(SSP), Anantnag, to issue appropriate directions/instructions to respondent No. 3–Station

House Officer(SHO), Police Station Srigufwara, Anantnag, to ensure that the petitioners, namely Jahangir Alam Nadaf and Shazia Kounsar, are not subjected to any harassment, intimidation, threats, or physical harm at the hands of private respondents No. 4 & 5 or any other person acting at their behest.

13. Disposed of.

(Rahul Bharti)
Judge

Srinagar
22.07.2026
Muzammil. Q

