suppl

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2525/26

Foziya Showkat and anr ...Petitioner(s)

Through: Mr. Parvaiz Ahmad, adv.

VS.

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

Through: Nemo

CORAM:

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

ORDER
06.10.26

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) "Mandamus, commanding the official respondents 1 & 2 to provide protection to them as they are under constant threat to their life from respondents 3 to 5.*
>
> *(b) Mandamus commanding the respondents 3 to 5 not to harass them being legally wedded husband and wife or any member of the family or relative of the petitioner No.2.*
>
> *(c) Mandamus commanding the respondents 3 to 5 to allow them to lead their matrimonial life peacefully and without there being any interference on their part."*

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 11th May, 2026. That a photocopy of "Nikah Nama" evidencing the "Nikah Ceremony' stands enclosed with the petition as annexure-I thereto. That the family of the petitioner No.1 has always remained against the relationship of the petitioners and have been threatening them of

dire consequences. That the private respondents 3 to 5, 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 have placed on record the scanned copies of their Adar Cards and Date of Birth Certificates as also of the alleged "Nikah Nama". Perusal of the copies of the Date of Birth Certificates reveals that the Date of Birth of the petitioner No.1 Foziya Showkat as 2nd April 2002, while as that of petitioner No.2 Mohsin Ali Dar as 7th Oct. 1998.

05. The petitioners have also placed on record their respective affidavits, *inter alia*, deposing that they have not any earlier existing marriage.

06.The Statements of the petitioners were got recorded by the learned Registrar Judicial of this Court in attestation of the petition.

07.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.

08. 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.

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

i) The official respondents 1 & 2 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 3 to 5 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.

10. 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 marriage as per Personal Law guaranteeing the parties.

11..**Disposed of** along with connected CM.

(Mohd. Yousuf Wani)
Judge

Srinagar:
06.10.2026
"Ayaz"