Supplementary List -1
Sr. No.1

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU
(Through Video Conference)

WP(C) No. 1263/2020
CM No. 3876/2020

Sumiya Jan and another .....Petitioner (s)

Through :- Mr. S. A. Hussain, Advocate

V/s

UT of J&K and others .....Respondent(s)

Through :-

CORAM: HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, JUDGE

ORDER
07.08.2020

1. Petitioners appear to have entered into wedlock. According to the counsel for the petitioners, they have done it out of their free will and without any undue threat or coercion. Neither the petitioner No. 1 nor the petitioner No. 2 are present in the court today from whom it can be ascertained as to whether what is stated by the learned counsel is true or not. The allegation is that the police authorities at the behest of the close relations of petitioner No. 1- Sumiya Jan are trying to harass the petitioners.

2. In **Lata Singh v. State of UP and anr, AIR 2006 SC 2522** wherein the Apex court held thus:

> **"14. This case reveals a shocking state of affairs. There is no dispute that the petitioner is a major and was at all relevant times a major. Hence she is free to marry anyone she likes or**

live with anyone she likes. There is no bar to an inter-caste marriage under the Hindu Marriage Act or any other law. Hence, we cannot see what offence was committed by the petitioner, her husband or her husband's relatives……..……

17. The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter caste or inter religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law."

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3. Be that as it may, this petition is disposed of with a direction to the respondent Nos. 2 & 3 to take note of the judgement supra and proceed in accordance with law.

(Dhiraj Singh Thakur)
Judge

JAMMU
07.08.2020
(Naresh)

Whether the order is speaking : Yes / No
Whether the order is reportable : Yes / No

NARESH KUMAR
2020.08.10 15:17
I attest to the accuracy and
integrity of this document