Sr. No. 117
Supplementary list 1st

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU
(Through Virtual Mode)

WP(C) No. 2058/2020
CM No. 8115/2020
CM No. 8116/2020

Mohd. Ashfaq and another …. Petitioner/Appellant(s)

Through:- Mr. K. K. Pathan, Advocate

V/s

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

Through:- Mr. Raman Sharma, AAG

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

1. Petitioners seek a direction to respondent Nos. 2 to 4 to provide them the police protection as they apprehend danger to their lives from respondent No. 5. It is submitted that the petitioners are major and have married out of their own free will. Copies of marriage agreement dated 25.11.2020, Nikah Nama dated 29.11.2020 and proof of date of birth have been placed on record. They submit that since they have contracted the marriage against the wishes of respondent No. 5, as such, they are facing harassment at the hands of respondent No. 5.

2. Learned counsel for the petitioners refers to the decision of the Supreme Court in ***Lata Singh v. State of U.P. and anr.; 2006 (5) SCC 475***, and submits that in absence of there being any legal impediment, the petitioners are entitled to marry according to their choice and the official respondents are duty bound to protect the life and liberty of the petitioners.

3. Both the petitioners are present through virtual mode and are identified by their counsel.

4. Perusal of the record annexed with the writ file reveals that petitioners are major and have contracted marriage on 29.11.2020 according to Muslim Personal Law, Rites and Customs.

5. Any person(s) having attained the age of majority is entitled to contract the marriage as per his/her wishes and the police department is duty bound to protect their life and liberty, if approached. However, it appears that the petitioners have not ever approached the official respondents for their indulgence in the matter for providing protection to them.

6. Keeping in view the relief sought, this petition is disposed of, at this stage, by providing that respondent Nos. 2 to 4 shall look into the grievance of the petitioners for providing them adequate security and to ensure that nobody interferes in married life of the petitioners, if the petitioners approach them. It is made clear that no opinion has been expressed with regard to the validity of their marriage, and the police is free to take a view on the basis of the available material and inquiry. If it is found that the parties are major and have married out of their own free will and consent, the necessary protection shall be extended to them.

7. **Disposed of alongwith CM(s)**.

(Sindhu Sharma)
Judge

JAMMU
30.12.2020
Ram Murti

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

HIGH COURT JAMMU & KASHMIR

SUNIL KUMAR
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I attest to the accuracy and
integrity of this document