

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

Case:- WP(C) No. 2972/2024
CM No. 7305/2024

01. **Nazaqat Ali Naz Age 23 years**Petitioner(s)
S/o Mohd. Mahroof
R/o Ward No. 6, Jagal
Tehsil Mendhar and District Poonch.
02. **Saiqa Parveen Age 22 years**
W/o Nazaqat Ali Naz and
D/o Abid Ullah
R/o Ward No. 6, Jagal
Tehsil Mendhar and District Poonch.

Through: Mr. M. Tariq Mughal, Advocate.

Vs

01. **Union Territory of Jammu & Kashmir through**
Commissioner Secretary, Home Department, Civil Secretariat, Jammu.
02. **Director General of Police, Jammu and Kashmir Government, Jammu.**
03. **Senior Superintendent of Police, Poonch.**
04. **Station House Officer, Police Station, Mendhar Poonch.**
05. **Abid Ullah S/o Mohd Din R/o Ward No. 5, Rehtal**
Tehsil and District Rajouri.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

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

ORDER
(18.12.2024)

01. The petitioners, both being of the age of majority, have exercised their free will to enter into marital relationship and for that have earned displeasure of their respective families. To lend confirmation to the fact of their marriage having been solemnized out of their free will and volition as per Islamic rites and traditions, the petitioners have put on record a Marriage Certificate dated 05.10.2024.

- 02.** Along with the writ petition, the petitioner no. 2's Matriculation Diploma evidencing her date of birth is also annexed which confirms the fact that the petitioner no. 2 is and was major at the time of solemnizing marriage with the petitioner no. 1.
- 03.** The petitioners are in hiding fearing about safety and security of their life and limb suffering wrong at the hands of respondent No. 5 is carrying hard feelings against the petitioners for their act of marrying each other.
- 04.** Keeping in view the mandate and dictate of the Hon'ble Supreme Court as laid down in case of **"Lata Singh vs. State of UP & Anr."**, 2006 (5) SCC 475 in terms whereof a direction has been set into effect for the Govt. Administration and Police Authorities throughout the Country to see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a girl or boy who is also major, then the marrying individuals are not to be harassed by any one nor to be subjected to threats or acts of violence, and in case any such threat or harassment is confronted to be inflicted on the individuals then the persons responsible for holding out such threats/harassments are to be taken to task by instituting criminal proceedings by the Police against such persons and further stern action to be taken as provided by law.
- 05.** Article 144 of the Constitution of India mandates all Authorities, Civil and Judicial, in the territory of India to act in aid of the Hon'ble Supreme Court. Bearing this constitutional sanction in perspective and the directions of

the Hon'ble Supreme Court set into place, it is a matter of duty for the Police Officials as well as officials of the concerned Civil Administration, irrespective of hierarchical position, to ensure that marrying individuals who are major and have chosen to become husband and wife out of their free will and volition are not to fear anybody causing any harm to their life and limb.

06. This petition at the threshold is ***disposed of*** with a direction to the respondent no. 3 - Senior Superintendent of Police, Poonch to ensure by issuing appropriate directions to the respondent no. 4 - Station House Officer, Police Station, Mendhar Poonch that the petitioners, namely, Nazaqat Ali Naz and Saiqa Parveen are not subjected to any harassment/intimidation/threats at the hands of the respondent No. 5 or any other person acting at the behest and/or on behalf of the respondent No. 5. Further more in case the Police Station Mendhar, Poonch has registered any FIR at the instance of the respondent No. 5 against the petitioners or either of the two petitioners then also no arrest of the petitioners shall be carried out by the Police Station Mendhar, Poonch.

07. *Disposed of* along with connected CM.

(RAHUL BHARTI)
JUDGE

JAMMU
18.12.2024

Bunty