Sr. No. 155

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 3620/2025

Pronounced on : 22.12.2025
Uploaded on : 22.12.2025

1. **Mohd. Afzal, Aged 30 years,**
   S/o Ab. Rashid Najar,
   R/o Upper Dalwah, District Ramban.
2. **Afrooza Banoo, Aged 19 years,**
   D/o Ghulam Mohi ud Din Pedhar,
   R/o Surranga, Pogal, District Ramban.

.....Applicant(s)/Petitioner(s)

Through :- Mr. Azmat Ullah Parihar, Advocate

v/s

1. **UT of J & K through its Principal Secretary (Home),**
   Civil Secretariat, Srinagar/Jammu.
2. **Director General of Police,**
   J&K, Jammu/Srinagar.
3. **SSP Ramban.**
4. **SSP Jammu.**
5. **SHO, Police Station, Gool.**
6. **SHO, Police Station, Ramban.**
7. **Ghulam Mohi ud Din Pedhar,**
   S/o Abdul Rahman,
   R/o Pedhar, Surranga, Pogal, District Ramban.
8. **Naseema Begum,**
   W/o Ghulam Mohi ud Din Pedhar,
   R/o Pedhar, Surranga, Pogal District Ramban.

.....Respondent(s)

Through :- Ms. Chetna Manhas, Assisting counsel to
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER (ORAL)

1. Petitioners claim that they, being major, have contracted marriage out of their freewill and are living as husband and wife, but are apprehensive to be subjected to physical violence and harassment at hands of their relatives, for having contracted marriage against their

wishes. Petitioners, therefore, seek protection and security from the official respondents.

2. Heard, perused and considered.

3. Perusal of record annexed with writ petition, *prima facie*, reveals that petitioners are major and have contracted marriage on 23.07.2025, according to Muslim Personal Law, rites and customs.

4. When two adults marry out of their volition, they choose their path; they consummate their relationship; they feel that it is their goal and they have the right to do so. And it can unequivocally be stated that they have the right and any infringement of the said right is a constitutional violation.

5. In view of the ratio laid down by the Supreme Court in **Lata Singh v. State of U. P. (2006) 5 SCC 475,** and **Shakti Vahini v. Union of India & Ors AIR 2018 SC 1601**, the official respondents are directed to provide adequate protection to the life and liberty of the petitioners, however, this shall not prevent the official respondents to carry out the investigation of a case which may be registered against the petitioners in respect of any other incident.

6. Needless to say, that disposal of instant petition does not authenticate petitioners' marriage or their age/majority to enter into marriage.

7. Disposed of along with connected CM.

(Moksha Khajuria Kazmi)
Judge

JAMMU
22.12.2025
Manan

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

Manan Mahajan
2025.12.22 18:24
I attest to the accuracy and
integrity of this document