Sr. No. 181

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No.3747/2025

Samina Kouser & Anr. .....Applicant(s)/Petitioner(s)

Through :- Mr. Sajid Bukhari, Advocate.

v/s

UT of J&K & Ors. .....Respondent(s)

Through :- Ms. Chetna Manhas, Advocate vice
Mrs. Monika Kohli, Sr.AAG.

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

ORDER
29.12.2025

1. Petitioners seek a direction to respondent Nos. 1 to 3 to provide them the police protection as they apprehend danger to their lives from respondent Nos. 4 and 5. It is submitted that the petitioners are major and have married out of their own free will. Copies of Marriage Certificate dated 13.09.2025 and proof of petitioners' date of birth have been placed on record. Petitioners submit that since they have solemnized the marriage against the wishes of respondent Nos. 4 and 5, as such, they are facing harassment at their hands.

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 in Court and are identified by their counsel.

4. Perusal of the record annexed with the writ file reveals that petitioners are major and have executed marriage on 13.09.2025 according to Muslim law.

5. Any person(s) having attained the age of majority are entitled to marry as per their 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 for, this petition is disposed of, at this stage itself, by providing that respondent Nos. 1 to 3 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. 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)**.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

(Moksha Khajuria Kazmi)
Judge

JAMMU
29.12.2025
Eva