Sr. No. 154

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMMU

WP(C) No. 3374/2026
CM No. 7506/2026

Jaswinder Kour & another .....Appellant(s)/Petitioner(s)

Through: Mr. Harsh Dubey, Advocate

vs

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

Through: Ms. Sagira Jaffar, Advocate vice
Ms. Monika Kohli, Sr. AAG.

CORAM: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER
23.10.2026

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, including respondent Nos.5 to 18, as petitioners have contracted marriage against their wishes. Petitioners, therefore, seek protection and security cover from respondents.

2. Heard and perused the record.

3. Perusal of record annexed with writ petition reveals that the date of birth of petitioner No.1 as per Aadhar Card and 10th Class Marks Card issued by J&K State Board of School Education is 26.03.1998 (28 years), whereas the date of birth of petitioner No.2 as per Aadhar card and 10th Class Marks Card is 10.10.1992 (34 years), meaning thereby both are

major. The record also reveals that they have contracted marriage on 08.03.2024 according to Hindu rituals and traditions.

4. When two adults consensually choose each other as life partners, it is manifestation of their choice that is recognised under Articles 19 and 21 of the Constitution. Such right has sanction of constitutional law and once that is recognised, said right needs to be protected and it cannot succumb to conception of class honour or group thinking. Consent of family or community or clan is not necessary once two adult individuals agree to enter into wedlock and their consent has to be piously given primacy. the concept of liberty has to be weighed and tested on the touchstone of constitutional sensitivity, protection and values it stands for. It is the obligation of the Constitutional Courts as the sentinel on *qui vive* to zealously guard the right to liberty of an individual as dignified existence of an individual has an inseparable association with liberty. Thus, it is emphatically clear that life and liberty sans dignity and choice is a phenomenon that allows hollowness to enter into the constitutional recognition of identity of a person. The choice of an individual is an extricable part of dignity, for dignity cannot be thought of where there is erosion of choice and no one shall be permitted to interfere in the fructification of the said choice. If right to express one's own choice is obstructed, it would be extremely

difficult to think of dignity in its sanctified completeness. 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. Keeping in view the prayer made, writ petition is disposed of with a direction to official respondents to provide adequate security cover to petitioners and act in accordance with the law 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 and others AIR 2018 SC 1601***, subject to the condition that official respondents will check and see as to whether parties are major and the marriage has been solemnized in strict accordance with prevalent laws, and if there is an FIR against any of the petitioner(s), the police may go ahead with the investigation under rules.

6. Needless to say that disposal of instant petition does not authenticate petitioners' marriage or their age/majority to enter into marriage, which, however, is otherwise subject to fulfilment of stipulations as envisaged under prevalent laws.

7. **Disposed of** along with connected CM.

(Shahzad Azeem)
Judge

Jammu
23.10.2026

Surinder Kumar
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I attest to the accuracy and
integrity of this document