

**HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

WP (C) No. 3470/2019

CM No. 7000/2019

.Maryam Bano & Anr.

...Petitioner(s)

Through: Mr. Jamsheed Ahmad, Advocate.

Vs

Union Territory of JK & Ors.

...Respondent(s)

Through:

CORAM:

Hon'ble Mr. Justice Ali Mohammad Magrey, Judge

ORDER

Petitioners claim to be major, therefore, in terms of their faith and belief have solemnized marriage. Petitioners are claiming protection with reference to the harassment they are facing at the hands of respondent Nos. 5 and 6, who are said to be against the decision of the petitioners having married each other. Petitioners are now seeking protection as they have threat with reference to their life. On the strength of the judgment of Supreme Court titled as "**Lata Singh Vs State of UP reported in AIR 2006**, wherein it has been observed that "*this is a free democratic country and once a person becomes major he or she can marry whosoever he/she like*".

When asked, learned counsel for the petitioners stated that there is no case registered on the complaint of the respondent Nos. 5 and 6 against the petitioners.

The Court cannot make observation or record any finding with reference to whether the marriage is legally valid in absence of any evidence substantiating the age of the petitioner No.1.

Without recording any finding or making observation about the validity of the marriage, it shall be appropriate to keep the question open for the authorities before whom the complainant may approach including the Police and in the event any such course is adopted by the respondent Nos. 5 and 6 the police authorities shall enquire/investigate about the competence of the petitioner No.1 to enter into the marriage contract of being major.

In view of the above, the writ petition is disposed of with the direction to official respondents to ensure protection of the petitioners in case their marriage is established as legal and in case any complaint is filed, it shall be dealt in accordance with the rules.

Writ petition is accordingly **disposed** of.

(Ali Mohammad Magrey)
Judge.

SRINAGAR
29.11.2019
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