

S.No.106
Supp. List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) 723/2025

CM 1774/2025

MIR KHAN AND ANR.

...Petitioner(s)/Appellant(s)

Through: Mr. J.G. Bhat, Advocate

Vs.

UT OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA

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

ORDER

27-03-2025

1. The petitioners, namely, Mir Khan and Mst.

Nageena Akhter, both being of the age of majority, have exercised their free will to enter into marital relationship to become husband and wife and for that have earned displeasure of their respective families. Both petitioners are of Muslim religion.

2. To lend confirmation to the fact of their marriage having been solemnized out of their free will and volition, the petitioners have put on record a scanned copy of "Nikahnama" dated 15th of March, 2025.

3. Along with the writ petition, the petitioner No. 2's date of birth confirming document in the

Government Middle School, Karshangam, Zone Aishmuqam evidencing her age as 27 years 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 and so is the petitioner No. 1.

4. The petitioners are in hiding fearing about safety and security of their life and limb suffering wrong at the hands of respondents, who are carrying hard feelings against the petitioners for their act of marrying each other.

5. 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 and 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 and also not to be subjected to threats or acts of violence. In case any such harm,

threat or harassment is intended to be inflicted on said individuals then the person/s responsible for intending/holding out such harm/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.

6. 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.

7. This writ petition, at the threshold, is disposed of with a direction to the respondent-Senior Superintendent of Police (SSP), District Anantnag

to ensure by issuing appropriate directions to the respondent-Station House Officer (SHO), Police Station Ashmuqam Anantnag and SHO Police Station Uri Baramulla that the petitioners, namely Mir Khan and Mst. Nageena Akhter are not subjected to any harassment/intimidation/threats at the hands of any person by reference to their matrimony and their right to cohabit as married persons. Furthermore, in case the Police Station, Ashmuqam Anantnag and Police Station Uri, Baramulla has registered any FIR/Report at the instance of any family member or any other person against the petitioners or either of the two petitioners by reference to their marriage then also no arrest of the petitioners to be carried out by the said Police Station.

8. Writ petition disposed of.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
27-03-2025
Mubashir