

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

**(THROUGH VIRTUAL MODE)**

**WP(C) No.865/2020  
CM No.1880/2020**

Kulsuma Bano & anr.

...Petitioner(s)

Through: Mr. Bhat Jamsheed, Advocate.

Vs.

Union Territory of J&K & Ors.

...Respondent(s)

Through: Mr. B. A. Dar, Sr. AAG-for R1 & R2.  
None for R3.

**CORAM: Hon'ble Mr. Justice Sanjay Dhar, Judge**

**ORDER  
05.06.2020**

1. In the instant petition, reliefs claim by the petitioners are reproduced as under:-

- I) *By issuance of a Writ of Mandamus or any or other writ, order or direction, the respondents be directed not to harass the petitioners on account of the marriage solemnized by them in accordance with the Muslim Personal Law and provide full protection to the petitioners so that they can live a peaceful matrimonial life.*
- II) *By issuance of a Writ of Mandamus or any other writ, order or direction, the respondents be directed not to arrest the petitioners on account of the marriage solemnized by them in accordance with the Muslim Personal Law.*

2. The case set up in the petition is that the petitioners are major and have contracted the marriage out of their free will where after they are living as husband and wife. The petitioners apprehend harassment at the hands of

respondent No.3 who, according to them, is trying to get petitioner No.1 married to some other person. It is also averred in the petition that the respondent No.3 has, with the help of some hooligans, made several attempts to beat up the petitioners. It is also contended in the petition that the petitioner No.1 has not been kidnapped or abducted by anybody but she has, out of her own free will, contracted marriage with petitioner No.2 and both are living peacefully.

3. It is also averred in the writ petition that the official respondents have started hunting for the petitioners and their relatives and are harassing them though the official respondents are under an obligation to ensure that the petitioners are not exposed to any threat or danger. It is further averred in the petition that in spite of petitioner No.2 having submitted copies of the Nikah Nama and marriage agreement before the official respondents still then these documents were not taken note of. The petitioners, therefore, seek protection and security cover from official respondents.

4. The Court upon consideration of the matter on 01.05.2020, besides issuing notice to the respondents, which was accepted by Mr. B. A. Dar, Sr. AAG, directed respondent No.1 and 2 to ensure that in case the petitioners are major and have contracted marriage out of their free will, they will provide protection to their life and liberty in terms of the judgment of Hon'ble Supreme Court in case titled 'Lata Singh v. State of UP and anr' 2006 (5) SCC 475 and the matter was directed to be listed on 20.05.2020.

5. On 20.05.2020, Mr. B. A. Dar, Sr. AAG, had sought time to file objections. The interim direction dated 01.05.2020 was extended till next date before the Bench, which was fixed on 05.06.2020. Despite granting time, objections have not been filed.

6. I have heard the counsel for the parties and perused the file.

7. Keeping in view the relief sought and the fact that the contentions made in the writ petition have remained unrebutted, the writ petition is disposed of this with a direction to the official respondents to provide adequate security cover to the petitioners in accordance with the law laid down by the Supreme Court in *Lata Singh v. State of U. P. (2006) 5 SCC 475*, if and when petitioners approach them.

8. It is made clear that no opinion is being expressed with regard to the authenticity of age proof of the petitioners, particularly that of petitioner No.1 as also with regard to the validity of their marriage. The police is free to take a view on the basis of the available material and thereafter proceed in accordance with the law.

(Sanjay Dhar)  
Judge

**Srinagar**

05.06.2020

"Bhat Altaf, PS"

Whether the order is speaking: Yes

Whether the order is reportable: Yes/No.