

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

EMG-WP (C) No. 01 /2020

Pooja Devi and anr

.....Petitioner(s)

Through: Mr. Rohit Chandan, Advocate.

Vs.

Union Territory of J&K & Ors

.....Respondent(s)

Through:

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR**

**ORDER**

1. The petitioners seek a direction to respondents 1 to 3 to provide them the police protection as they apprehend danger to their lives from respondent nos. 4 & 5. It is submitted that the petitioners are major and out of their free will they got married. Copy of the marriage agreement has been placed on record. They submit that since they have contracted the marriage against the wishes of respondent nos. 4 and 5, as such, they are facing harassment at the hands of respondent No. 4 and 5. The learned counsel further submits that when the petitioners were restrained and rather petitioner no.1 was hit by fists and blows by respondent nos. 4 and 5 on 16.03.2020 at Bus Stand Samba, the petitioners approached the concerned Police Station but no cognizance was taken forcing the petitioners to file a complaint in the

Court of learned Munsiff, Judicial Magistrate. Samba, wherein the statement of petitioner No.1 was recorded and the next date was fixed for 28.03.2020.

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. Any person having attained the age of majority is entitled to contract the marriage as per his/her wishes and the police department is duty bound to protect the life and liberty, if approached. From the documents placed on record, particularly the matriculation certificate of the petitioner no.1, it clearly transpires *prima facie* that petitioners are major and have legal age to marry. However, it appears that despite the fact that the petitioners have approached the official respondents for their indulgence in the matter for providing protection to them, nothing has been done.

4. In this view of matter, this petition is disposed of, at this stage, by providing that respondents 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. Needless to say that even if the marriage of the

petitioners may not be legally valid, yet they have every right to lead their life as they chose and nobody, including respondent nos. 4 and 5 have any legal authority to restrain them from doing so nor can they interfere or cause any interference in the peaceful life of the petitioners. It is made clear that no opinion has been expressed with regard to the age of the petitioners or with regard to the validity of their marriage, and the police is free to take a view on the basis of the available material and inquiry. 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.

5. The writ petition is, accordingly, **disposed of**.

6. Learned counsel for the petitioners submits that in view of prevailing situation, he may not be in a position to get the certified copy of this order, therefore, a copy of this order be directed to be provided to him under the seal and signatures of the Secretary.

Ordered accordingly.

**(Sanjeev Kumar)**  
**Judge**

**Jammu,**  
**31.03.2020**  
Anil Raina, JR/Secy