

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

WP(C) No. 547/2023  
CM No. 1303/2023

Afsana Kouser

...Petitioner/Appellant(s)

Through :- Mr. Anuj Malhotra, Advocate.

V/s

UT of J&K & ors.

...Respondent(s)

Through :- Mr. Monika Kohli, Sr. AAG

**Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**  
18.03.2023

The petitioner, being of the age of majority, has exercised her free will to enter into marital relationship and for that has earned displeasure of her family. To lend confirmation to the fact of her marriage having been solemnized out of her free will and volition, the petitioner has put on record a Nikahnama dated 13.11.2022. Along with the writ petition, the petitioner's date of birth evidencing her date of birth is also annexed which confirms the fact that the petitioner is and was major at the time of solemnizing marriage with one Rayaz Ahmed.

The petitioner is in hiding fearing about safety and security of her life and limb suffering wrong at the hands of respondent nos. 4 to 7 who being the parents, brother and cousin of the petitioner are carrying hard feelings against the petitioner for her act of marrying with Rayaz Ahmed.

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 nor to be subjected to threats or acts of violence, and in case any such threat or harassment is confronted to be inflicted on the individuals then the persons responsible for holding out such 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.

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.

This petition at the threshold is **disposed of** with a direction to the respondent no. 2-Senior Superintendent of Police, Poonch to ensure by issuing appropriate directions to the respondent no. 3-SHO Police Station, Mandi District Poonch that the petitioner, namely Afsana Kouser and her husband, namely, Rayaz Ahmed are not subjected to any harassment/intimidation/threats at the hands of the respondent nos. 4 to 7 or

any other person acting at the behest and/or on behalf of the respondent nos. 4 to 7. Further more in case the Police Station, Mandi District Poonch has registered any FIR at the instance of the respondent nos. 4 to 7 against the petitioner or either the petitioner and her husband then also no arrest of the petitioner and her husband shall be carried out by the Police Station, Mandi District Poonch.

**(RAHUL BHARTI)**  
**JUDGE**

JAMMU  
18.03.2023  
NARESH/PS

