

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

WP(C)/1033/2026 CM/2701/2026

1. Nazila Fayaz Mir (18 years)
D/O Fayaz Ahmad Mir
W/O Suhail Hamed Dar
R/O Wader Payeen
Rajwar District Kupwara
2. Suhail Hamed Dar (21 years)
S/O Abdul Hamed Dar
R/O Wahipora,
Langate District Kupwara

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

Through: Mr. Asif Ahmad, Advocate

Vs.

1. Union Territory of JK Th.
Director General of Police J&K Srinagar
2. Senior Superintendent of Police Kupwara
3. Station House Officer
Police Station Handwara
District Kupwara
4. Station House Officer
Police Station Zachaldara
District Kupwara
5. Fayaz Ahmad Mir
S/O Ghulam Mohammad Mir
R/O Wader Payeen
Rajwar District
6. Aijaz Ahmad Mir
S/O Ghulam Mohammad Mir
R/O Wader Payeen
Rajwar District Kupwara
7. Manzoor Ahmad Mir
S/O Ghulam Mohammad Mir
R/O Wader Payeen
Rajwar District Kupwara
8. Sonaullah Mir
S/O Ghulam Mohammad Mir
R/O Wader Payeen
Rajwar District Kupwara

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE.

ORDER
08.05.2026

1. The Petitioners claim that they, being major, have contracted marriage out of their free will and are living as husband and wife, but are apprehensive to be subjected to physical violence and harassment at the hands of their relatives, as

the Petitioners have contracted marriage against their wishes. The Petitioners, therefore, seek protection and security cover from the official Respondents.

2. Heard and perused the record.

3. Perusal of the record annexed with the Writ Petition reveals that the Petitioners are major and have contracted marriage on 20th of March, 2026, according to the Muslim Personal Law, rites and customs.

4. When two adults, consensually, choose each other as life partners, it is the manifestation of their choice that is recognized under Articles 19 and 21 of the Constitution. Such right has sanction of constitutional law and once that is recognized, the said right needs to be protected and it cannot succumb to conception of class, honour or group thinking. Consent of family or community or clan is not necessary, once two adult individuals agree to enter into wedlock and their consent has to be piously given primacy. The concept of liberty has to be weighed and tested on the touchstone of constitutional sensitivity, protection and values it stands for.

5. It is the obligation of the Constitutional Courts as the sentinel on qui vive to zealously guard the right to liberty of an individual, as the dignified existence of an individual has an inseparable association with liberty. Thus, it is emphatically clear that life and liberty sans dignity and choice is a phenomenon that allows hollowness to enter into the constitutional recognition of identity of a person. The choice of an individual is an extricable part of dignity, for dignity cannot be thought of where there is erosion of choice and no one shall be permitted to interfere in the fructification of the said choice. If right to express one's own choice is obstructed, it would be extremely difficult to think of dignity in its sanctified completeness.

6. When two adults marry out of their volition, they choose their path; they consummate their relationship; they feel that it is their goal; and they have the right to do so. And, it can unequivocally be stated that they have the right and any infringement of the said right is a constitutional violation.

7. Keeping in view the prayer made, this Writ Petition is disposed of with a direction to the official Respondents to provide adequate protection to the Petitioners and act in accordance with the law laid down by the Hon'ble Supreme Court in cases titled '**Lata Singh v. State of U. P., (2006) 5 SCC 475**' and '**Shakti Vahini v. Union of India & Ors., AIR 2018 SC 1601**', subject to the condition that the official Respondents will check and see as to whether the

parties are major and that the marriage has been solemnized in strict accordance with the prevalent laws, and, if there is an FIR against any of the Petitioner(s), the police concerned may go ahead with the investigation, in accordance with law.

8. Needless to say, that the disposal of the instant Petition does not authenticate the marriage of the Petitioners or their age/majority to enter into marriage, which, however, is otherwise subject to fulfillment of stipulations as envisaged under the prevalent laws.

9. Writ Petition is, thus, **disposed of** on the above terms, along with the connected CM.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR:

08.05.2026

“Misba”

