Serial No. 148
Supp. Cause List-III

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

WP(C) 2609/2026 CM(7115/2026)

DANISH HASSAN AND ANOTHER …Petitioner(s)/Appellant(s).

Through: Mr. Mohammad Saleem Parray, Advocate
Mr. Tanveer Ahmad, Advocate

Vs.

UNION TERRITORY OF J AND K AND OTHERS

...Respondent(s).

Through: None.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

14.10.2026

1. The petitioners are present in person.
2. Issue notice to the respondents in the main as well as in the interim application returnable by the next date of hearing subject to taking of steps for service within a week's period for filing reply/objections.
3. Heard the learned counsel for the applicants/petitioners in respect of their prayer for grant of interim relief who *inter alia* contended that applicants/petitioners are citizens of India, who being major and legally competent to take independent decisions concerning their personal lives, residence and rights of companionship, and who, despite professing different faiths, have got married with each other on 06.08.2026 at Jalandhar, Punjab. That they got their

marriage registered on 06.08.2026 before Marriage Registrar, Sub-Tehsil Jalandhar-2, Jalandhar, Punjab. That the particulars regarding their marriage including place of marriage is shown in the marriage certificate dated 06.08.2026 issued by the aforesaid Marriage Registrar of Tehsil Jalandhar-2, Jalandhar. That subsequent to obtaining the marriage certificate, that they have voluntarily continued their association and are presently residing together, at Sopore, Baramulla, Jammu and Kashmir, as life partners.

4. That petitioner No. 2, who originally belongs to Etawah, Uttar Pradesh, has consciously and independently chosen to reside with petitioner No.1, and her decision is founded entirely upon her own free will and consent, without any force, fraud, coercion, undue influence or compulsion from any quarter whatsoever. That notwithstanding their adulthood and voluntary association, their decision has not found favor with certain members of their respective families, particularly respondents 5 to 6, who are the father and family members of the petitioner number 2 and also the respondent No.7, who is the father of the petitioner number 1. That the said private respondents have been opposing their relationship and allegedly attempting to harass and pressurize them on account of their independent decision. That they apprehend unlawful interference with their peaceful residence and personal liberty at the hands of the aforesaid private

respondents. That their grievance is not against the mere expression of parental disagreement, but against the alleged attempt to exert pressure upon them and interfere with their voluntary association.

That they accordingly seek protection against any unlawful intimidation, coercion, status or forcible separation. While the private respondents are entitled to their personal views concerning the relationship, however they cannot lawfully impose such views to coerce, intimidate or interfere with the constitutional liberties of two consenting adults. That the present petition filed by them, is confined to protection of their lives, personal liberty, dignity and freedom of choice as two consenting adults.

That they do not seek any declaration concerning the validity of their marriage under any particular personal or matrimonial law. That their constitutional freedom to voluntarily choose each other's companionship and reside together is independent of any question concerning the legal validity of their marriage as recognized by the Hon'ble Supreme Court in "**Nandakumar v. State of Kerala** (2018) 16 SCC 602. The Hon'ble Supreme Court in "**Lata Singh v. State of Uttar Pradesh and Another"** (2006) 5 SCC 475 has authoritatively recognized that persons who have attained majority are entitled to exercise their independent choice in

matrimonial matters and that parental or familial disapproval cannot justify harassment or acts of violence.

5. That the Hon'ble Supreme Court further emphasized the responsibility of the police and administrative authorities to ensure that adults exercising such choices are not subjected to unlawful intimidation or interference.
6. The applicants/petitioners have sought the issuance of writs, orders or directions, including a writ in the nature of mandamus, for commanding the respondents No. 3 and 4 to promptly assess their apprehensions and threat perception, and extend necessary and adequate protection to their lives, personal liberty and dignity as may be warranted in the facts and circumstances against unlawful harassment, intimidation, coercion, threats or interference at the hands of private respondents No.5 to 7 or of any of the persons acting at their instance, and to take appropriate preventive measures in accordance with law, whenever such protection is required.
7. In the application for grant of interim relief, it has been averred that they have a prima facie case made out in their favor, as is explicit from the grounds taken in the main petition, the balance of convenience also tilts towards them, and, as such, they are likely to suffer an irreparable loss in case interim relief is not granted in their favor. They have

prayed for the consideration of the grounds taken in the main petition for grant of interim relief.

8. Perused the interim application supported with an affidavit. Also perused the main petition and the copies of documents enclosed with the same, especially the marriage certificate dated 06th August 2026, issued by Marriage Registrar, Sub-Tehsil Jalandhar-2, Jalandhar, the copies of Aadhaar cards and other documents *inter alia* revealing the petitioners as major.

9. The petitioners in the open Court have admitted the contends of the petition as true and correct. The petition is supported with requisite affidavits on the part of the both the petitioners.

10. List on **4th November 2026**.

11. In the meantime, subject to any vacation/modification upon the consideration of objections/arguments, of the other side and till further orders, the non-applicants/respondent Nos.3 and 4 are directed to ensure that the applicants/petitioners are not subjected to any unlawful harassment, intimidation, coercion, or interference at the hands of private non-applicants/ respondent Nos.5 to 7 or any other person acting at their instance, and to provide them the requisite protection, if approached for the same. However, it is very needful to mention that in view of the law laid down by the Hon'rable Supreme Court in **"Dolly Rani v. Manish Kumar**

Chanchal” 2024 SCC online SC 754, this order shall not be construed as any opinion of this court regarding the validity of the alleged marriage under law.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
14.10.2026
“Opinder”

HIGH COURT
JAMMU & KASHMIR AND LADAKH