

WWW.LIVELAW.IN
HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

WP (C) no. 971/2021
CM no. 3147/2021
(Virtual mode)

Khadeeja previous name Virah Pal Kour and anr.

.... Petitioner(s)

Through: Mr Bhat Khursheed, Advocate

V/s

Union Territory of Ladakh and others

... Respondent(s)

Through: Mr B. A. Dar, Sr. AAG

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge

ORDER

20.05.2021

When this matter was taken up for consideration on 18th May, 2021, the court while noticing the relief seeking protection to their life as guaranteed under the Constitution of India in terms of Article 21 qua living a peaceful married life, had directed the concerned police that in case the petitioners approach them, they shall provide protection to them till next date. The court further desired to hear the petitioner.

Ordinarily, the court on the strength of the pleadings of the parties supported by the documents and the affidavit, issue directions qua protection to their life in tune with the mandate of the judgment of Hon'ble Supreme Court delivered incase titled *Lata Singh vs. State of UP* reported as *AIR 2006 SC 2522* but keeping in view the nature of pleadings vis-à-vis conversion of religion of the petitioner no. 1, it was though proper to ensure that the statement of the said petitioner is recorded by this court to ascertain as to whether the averments made in the writ petition are supported by the said petitioner who is shown to have converted.

Today when the matter was taken up for consideration, petitioners 1 and 2 appeared through virtual mode along with their counsel. Petitioner no. 1 submitted that she has, of her own free will with sound mind and without any force from any quarter including the petitioner no.2, made a declaration qua conversion to Islam in presence of the authorized persons which declaration is recorded and placed on record of the petition as Annexure-1. She further stated that she being major has married the petitioner no. 2 of her own free will and necessary requirements, in this connection, have been fulfilled as required in terms of law. To substantiate the averment of being major the petitioners have placed on record the date of birth certificates issued by the

Board of School Education, which shows the date of birth of petitioner no. 1 as 19.12.1995 and that of petitioner no. 2 as 15.11.1989.

Petitioner no. 1 further submits that it was with great difficulty that she managed, with the help of her friends in jammu, to cause appearance before this Court. She submits that there is a persistent threat to her life as also of the petitioner no. 2 as she has married petitioner no. 2 to the disliking of respondents 6 and 7 and it is on their instance that large number of people are bent upon to kill the petitioners. Petitioner no. 1 further submits that she looks up to this court to save her life as also the life of her husband as this court ensures guarantee of the rights of the citizens as enshrined in the Constitution of India.

Petitioner no. 1 further submits that at the instance of respondents 6 and 7, respondent no. 4 has registered a case against the petitioners at Police Station Satwari.

In view of the fact situation as discussed above, the court felt it necessary to seek the assistance of Mr B. A. Dar, learned Senior Additional Advocate General, who being incidentally available, submits that he may be granted some time to respond.

Heard learned counsel for the parties.

Notice is waived by Mr B. A. Dar, learned Sr. AAG, on behalf of respondents 1 to 5. Notice by whatever mode, shall be served upon respondents 6 and 7 within one week. In the meanwhile, in order to provide protection to the life of the petitioners in peculiar facts and circumstances of the case, it has become necessary to direct respondents 1 to 5 to ensure that the petitioners are not harassed/attacked/kidnapped or caused any harm by respondents 6 and 7 or by anyone at their instance and they shall be allowed to live their married life the way they like and protect their rights in terms of the guarantee as enshrined by the Constitution of India. Respondents 1 to 5 in general and 3 and 5 in particular, within whose jurisdiction the petitioners are stated to be residing, i.e. SSP Budgam and SHO Police Station Chadoora, shall ensure implementation of the directions in letter and spirit. SHO of Police Station Satwari, Jammu is also directed not to take any coercive steps against the petitioners in pursuance to the case if any registered.

Copy of this order be furnished to the learned counsel for the parties under the seal and signature of Bench Secretary for compliance.

List on 28th May, 2021 in the supplementary cause list.

(Ali Mohammad Magrey)
Judge

Srinagar
20.05.2021