

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 8295/2024

1. Adnan Ali S/o Sh. Rafiq Kha, Aged About 24 Years, R/o Malsisar Dist. Jhunjhunu, Raj.
2. Rehana D/o Sh. Kabir Khan, Aged About 35 Years, R/o Ward No. 25 Holi Dhora, Sujangarh Dist. Churu, Raj.
3. Sarina Bano W/o Sh. Jamil Ahmed Khan, Aged About 27 Years, R/o Ward No. 02, Malsisar, Dist. Jhunjhunu Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Isharat Bano D/o Sh. Ishaq Khan, R/o Ward No. 40 Holidhora, Sujangarh, Dist. Churu.

----Respondents

For Petitioner(s)	:	Mr. M.A. Siddiqui Mr. Sikander Khan Mr. Majhar Hussain
For Respondent(s)	:	Mr. B.L. Bhati AAG Mr. Deepak Chandak assisted by Mr. Vikram Singh Rajpurohit, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

22/11/2024

1. The petitioners made challenge to the very lodging of the FIR No.315/2024 registered at the Police Station Sujangarh.
2. I have heard the counsel for the parties and gone through the content of the FIR and the other annexed material.
3. At this moment, this Court is not going on to the niceties of the FIR so also that whether there is sufficient material or not to quash the FIR, however, while going through the file, it is noticed that the petitioners placed reliance upon a *Nikah-Nama* purportedly executed by a *Qazi* in respect of *Nikah* (marriage) of

the petitioner Adnan Ali with the victim Ishrat Bano. The *Nikah-Nama* above is in a printed proforma and inscribed in Urdu language. It is not comprehensible as to what document wants to convey in view of having no knowledge of Urdu language.

4. Marriage, as we all know is an important sacrament and is considered as a sign of cohabitation between a male and a female which is acceptable in the civil society and is valid in the eyes of law. *Nikah* (marriage) is performed as per the rituals of the *Muslim law* in a community gathering by the person having knowledge of performing *Nikah* ceremony. This kind of sacred relationship should be recognized by a document which is unambiguous, vividly clear, explicit and transparent. The *Nikah-Nama* (marriage certificate) can be taken as a piece of evidence in corroboration of oral plea of fact of marriage but when the content of certificate is not understandable to employees of Government institution, public institution, private institution and several other departments etc. then it creates problem and brings a perplexing situation and so also the same may increase complexities; and therefore, this Court feels that the situation above is required to be regulated. At this juncture, it is thought that the persons indulged in the task of performing *Nikah-Nama* should not issue a certificate in language not widely known to a society, more particularly to the public servants and officers of the Court. This Court is of the perspective that District Magistrate/ District Collector of each city should keep a record of the persons who can perform *Nikah-Nama* and they should be enlisted in a separate file; only those people shall be eligible to perform the ceremony of *Nikah*; not every Tom, Dick & Harry. If the printed proforma of

Nikah Nama does contain Hindi or English language then it may resolve the complexities.

5. In this view of the matter, this Court invites Shri B.L.Bhati, AAG and Shri Deepak Chandak, AGA who representing the Department of Home, State of Rajasthan and asked them to deliberate the issue with the Senior Officers in the Department of Minority Affairs. Shri Bhati and Shri Chandak agrees to the proposition that in case the State authorities would issue guidelines/circular directing all Qazis, Maulanas, or other persons who can perform *Nikah* ceremony to the effect that the certificate of *Nikah (Nikah-Nama)* shall be issued in diglot, in which one of the language should be either English or Hindi, and if it happens so, it would cause ease to all the public servants, officers of the court and the police officers, etc. to understand the matter. Besides above, a register can be maintained in the office of District Collector enlisting the names of Qazi etc. eligible to perform *Nikah* ritual. They assured that due deliberation shall be taken and outcome shall be informed to this court on the next date of hearing.

6. The Secretary, Department of Minority Affairs shall also remain present before this court on the next date of hearing.

7. List the matter on 10.12.2024.

8. Meanwhile, the petitioners shall not be arrested in connection with FIR No.315/2024 registered at the Police Station, Sujangarh, District Churu.

(FARJAND ALI), J