

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

**C.P. No. S-3157 of 2026**

*(Hayatullah v Province of Sindh & others)*

Date	Order with signature of Judge(s)
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**Hearing of case**

**Before:-**

**Mr. Justice Adnan-ul-Kari Memon**

**Mr. Justice Adnan Iqbal Chaudhary**

1. For orders on office objections
2. For hearing of CMA No. 12669/2026
3. For hearing of main case.

**Date of hearing and Order: 08.07.2026**

M/s. Qambar Abbas & Bushra Abbas, Advocates for the petitioner.  
Mr. Faheem Hussain, DPG  
Ms. Mussarat Sultana, AAG, along with Inspector DSP Tariq Hussain on behalf of RRF, Haji Liaquat Ali, SHO Clifton, SI Shahid Mustafa, Inspector Waheed Iqbal, Kiran Khalid legal advisor Child protection, Sajid Gujjar, DSP (Legal)

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**ORDER**

**Adnan-ul-Karim Memon, J** Petitioner Hayatullah has filed this petition under Article 199 of the Constitution seeking direction to the official respondents to act strictly in accordance with law and also seeks to immediately trace and recover the minor daughter of the petitioner, namely Najiba @ Beebo, aged about 14 years, and Alina, aged about 06 years, through a special team/task force.

2. Learned counsel for the petitioner submits that the petitioner is a poor rickshaw driver and father of two minor daughters, namely Beebo aged about 14 years and Alina aged about 6 years, who, due to the family's extreme financial hardship, used to sell flowers to support household expenses. He submits that on 12.05.2025, both minor girls went to Clifton, Karachi, for selling flowers but never returned home. It is urged that despite extensive searches by the petitioner and his family, including at hospitals, relatives' houses and surrounding areas, their whereabouts remain unknown. He further submits that the petitioner subsequently received information that Respondent No.15, namely Qurban, had allegedly kidnapped the minor girls with the intention of subjecting them to sexual exploitation and trafficking. He contends that the continued disappearance of the minors gives rise to a serious apprehension regarding their safety, dignity and lives. Learned counsel further argues that although the petitioner repeatedly approached the concerned police station and other authorities for registration of an FIR and recovery of his daughters, no effective action has been taken. He alleges that the inaction of the police is attributable to the influence and patronage extended to Respondent No.15 by senior police officials, due to which the local

police have failed to discharge their statutory duties. He adds that written complaints were also submitted to the competent authorities, including the Women and Child Protection Cell, but without any meaningful response. It is further contended that the respondents' inaction constitutes a violation of Articles 4, 9, 14, 25 and 35 of the Constitution, which guarantee the protection of life, liberty, dignity and the rights of women and children. Learned counsel, therefore, prays that the respondents be directed to act strictly in accordance with law, ensure the immediate recovery of the abducted minor girls through a special team, provide protection to the petitioner and his family, conduct an independent inquiry into the police negligence and patronage extended to the accused, initiate legal proceedings against delinquent police officials.

3. Learned A.A.G., assisted by the learned D.P.G., and police officials present in Court submits that an earlier complaint on the same allegations was received through courier on 29.01.2026 and, pursuant thereto, an inquiry was conducted wherein the petitioner was examined and the proposed accused, Qurban, was also contacted. It is urged that during the inquiry, it transpired that the alleged detinue Najiba had contracted marriage with Respondent No.15 of her own free will. A detailed report, along with supporting documents, was submitted before the learned IIIrd Additional Sessions Judge, South Karachi, in Criminal Miscellaneous Application No.479 of 2026, which was dismissed as premature with liberty to approach the competent police officer in accordance with law. He further submits that the petitioner has challenged the said order before this Court in Criminal Miscellaneous Application No.154 of 2026, which is stated to be pending adjudication. It is also submitted that, in compliance with the present proceedings, Clifton Police has contacted Respondent No.15 and the alleged detinue and bound them down to appear before this Court, and now both the alleged detenuess are present in court.

4. The police officials have recorded the statement of the alleged detinue Najiba, who submits that she voluntarily contracted a free-will marriage with Qurban Ali on 03.12.2025. She stated that neither she nor her husband had abducted anyone and denied the allegations of kidnapping. According to her, her father used to subject the family to cruelty and forced her into immoral activities due to poverty. She further stated that her paternal grandmother had also been assaulted by her father and that her two elder sisters had likewise left home and contracted marriages of their own choice. She categorically expressed that she is living happily with her husband and does not wish to return to her father's custody. She further stated that she had taken her younger sister, Alina, who is about 9 years of age, with her because their father was also mistreating the child. She also disclosed that she is about 20 years of age, and that her mother has passed away due to petitioner's action, such F.IR No. 34/2020 has been placed on

record by the police officials. However she reaffirmed that the statement was/is made voluntarily before the police today. The minor Alina states that she is happy with her sister and does not wish to go with her father. Be that as it may, we are only concerned about her welfare.

5. We have heard the learned counsel for the parties, the learned A.A.G., learned D.P.G., examined the record, and have also interacted with the alleged detainee, who has appeared before this Court.

6. The statement recorded before the police today reflects that she categorically denies the allegations of abduction and asserts that she voluntarily contracted marriage with Respondent No.15 of her own free will. She has further stated that she does not wish to return to the custody of the petitioner and has levelled serious allegations regarding physical abuse, cruelty and exploitation at the hands of her father. She has also disclosed the existence of a criminal case relating to the harm of her mother allegedly involving the petitioner, which is of serious concerns.

7. At this stage, this Court is not required to determine the veracity of these rival allegations, as the same fall within the domain of the competent investigating agency and the courts of competent jurisdiction. However, the statement made before this Court prima facie demonstrates that the alleged detainee is not under any visible restraint or coercion at the hands of private respondent No.15.

8. So far as the younger child, namely Alina, is concerned, she also states that she is happy with her sister and wants to live with her peacefully, primarily, her welfare and protection are of paramount consideration. Regardless of the rival claims of the parties, every child is entitled to protection against abuse, neglect, exploitation and violence under Articles 9, 14, 25 and 35 of the Constitution, as well as the applicable child protection laws. The doctrine of *parens patriae* casts an obligation upon the Court to ensure that the best interests of the child prevail over all competing claims until the competent Guardian & Wards Court finally determines the rights of the parties. Consequently, this Court considers it neither appropriate nor safe, at this stage, to hand over the custody of the child aged about 9 years to petitioner in view of the serious allegations and counter-allegations exchanged between them during hearing, coupled with the statement of both girls.

9. The representative/legal advisor of the Child Protection Authority, who is present before this Court, has submitted that the Authority is ready and willing to provide safe shelter, if girl Alina aged about 9 years is willing to go to shelter home subject to her consent. However, the medical care, counseling, education and all other facilities guaranteed under the law shall also be provided to her and

they shall ensure that no physical, psychological or emotional harm is caused to her from any quarter. The Child Protection Authority as well as SSP Khairpur and Jacobabad shall remain responsible for the welfare, safety and rehabilitation of the child.

10. In order to maintain peace and to secure the safety of both girls during the pendency of the proceedings before the competent forums, the petitioner as well as Najiba @ Bebo and Respondent No.15 are directed to furnish personal bonds in the sum of Rs.100,0000/- ( Rupees Ten Lac) each before the Nazir of this Court, undertaking that they shall not, either personally or through any other person, harass, threaten, intimidate, influence, coerce or cause any physical, mental or emotional harm to either of the two girls. They shall further undertake to maintain law and order, not to create any untoward situation, and to strictly abide by all directions issued by the competent authorities and the courts of law. Any breach of the said undertaking shall render them liable to proceedings in accordance with law, including proceedings for contempt of court.

11. Since the alleged detinue has appeared before this Court and has unequivocally stated that she is residing with Respondent No.15 voluntarily and is not under illegal confinement, the principal grievance regarding her alleged disappearance no longer survives. However, in view of the disputed questions relating to her age, marital status and other allegations raised by both sides, all such issues shall be determined independently by the competent fora strictly in accordance with law without being influenced by any observations contained in this order, which are purely tentative and confined to the disposal of the present constitutional petition and protection.

12. With the above directions, this petition stands disposed of. The Child Protection Authority shall continue to ensure complete protection of the minor child, Alina, and shall periodically assess her welfare in accordance with the applicable law. It is expected that all concerned authorities shall discharge their statutory obligations with utmost diligence so that the life, dignity, safety and best interests of the child remain fully protected, and no harm is caused to either of the two girls at the hands of any party under any circumstances. Let a copy of this order be communicated to all concerned for compliance in time.

JUDGE

JUDGE