IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Constt: Petition No. 1173 of 2013.

1. Mst. Sasui wife of Zahid Hussain.

2. Zahid Hussain son of Sono Khan.

   Both by caste Chandio, Resident of village Ali Bux Chandio, P.O. Warah, Taluka Warah, district Kambar-Shahdadkot. Presently residing at Minara road, Sukkur.

   ....Petitioners.

Versus

01. Province of Sindh,
    through Secretary Home Department,
    Karachi.

02. The Senior Superintendent of Police, Kambar-Shahdadkot.

03. SHO, Police Station, Kambar.

04. SHO, Police Station, Mehar.

05. SIO, Police Station, Kambar.

06. Abdul Qadir son of Shah Nawaz Chandio.

07. Sudhir son of Shah Nawaz Chandio.

08. Punhal son of Shah Nawaz Chandio.

09. Bakhshal son of Anwar Chandio.

10. Bahadur son of Loung Chandio.

11. Manzoor son of Loung Chandio.

12. Barkat son of Anwar Chandio.

13. Nadeem son of Wahid Bux Chandio.

    Private respondents resident of Gogharo, Taluka Warah, district Kambar-Shahdadkot.

    ....Respondents.

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

The petitioner named above most respectfully submits as under:-

ORDER	WITH SIGNATURE OF JUDGE

1. For order on office objection.
2. For Katcha Peshi.
3. For orders on CMA No.3608/13.

02nd May -2013.

Mr. Nisar Ahmed Bhanbhro Advocate holding brief for Mr. J.K.Jarwar, advocate for petitioners along with petitioners.

Mr. Agha Athar Hussain Khan AAG for the State .

Through this petition, petitioners seek following relief(s):

(a) That this Honourable Court may be pleased to quash the FIR bearing Crime No.62 of 2013 of police station, Kamber, U/s.365-B, 34 PPC, being false. Fabricated and concocted one in accordance with the law.

(b) That this Honourable Court may be pleased to grant ad-interim injunction thereby directing the Respondents No. 3 to 5, not to arrest the accused persons so also not to challan the case in the Court of Law, till final decision of the instant petition.

(c) To award the costs.

(d) To grant any other equitable relief, which this Hon'ble Court deems fit and proper under the circumstances of the case in favour of the petitioner.

From the pleadings it appears that petitioner No.1 has contracted marriage with Petitioner No.2, which caused annoyance to her parents, as such a case under crime No.62/2013 for offence U/s. 365-B,34 PPC in respect of her alleged abduction was registered at PS, Pakho.

Petitioner No.1, present in Court along with Mr. Nisar Ahmed Bhanbhro, holding brief for Mr. J.K.Jarwar, advocate for petitioners, states that she being sui juris entered into valid marriage with Zahid Hussain, on her own accord and free will, which is not liked by her father. She further states that neither she has been abducted nor enticed away and no incident as mentioned in crime No.62/2013 for

offence U/s. 365-B,34 PPC of PS Pakho, has ever taken place and the contents of F.I.R are nothing but brainchild of the complainant.

Learned A.A.G for the State submits that since case is pending investigation, therefore, it would be appropriate to issue directions to the I.O to record the statement of Petitioner No.1, who has been shown as abductee in the above mentioned case/crime.

Mr. Abdul Sattar Brohi, counsel for private respondents also adopts the contentions raised by learned AAG.

Since the petitioner No.1 has been shown abductee in Crime No. 62/2013, registered at Police Station, Pakho, has categorically negated the contents of F.I.R and admits her marriage with Petitioner No.2, therefore, we are of the considered view that further continuance of the investigation or proceedings would amount to abuse of process of law and the petitioner will remain under sword of Damocles till disposal of the case, therefore, FIR being Crime No. 62/2013 registered at PS Pakho, district Kamber Shahdadkot, is quashed.

Learned Assistant Advocate General is directed to provide necessary protection to the petitioners so also proper police escort till they arrived at their destination.

Petition along with listed applications stand disposed of.

JUDGE/15

JUDGE

S.Ashfaque