

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-3124 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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13.12.2022

Mr. Mir Naeem Akhtar Talpur, advocate for petitioners.
Mr. Imam Ali Chang advocate for private respondents.
Mr. Muhammad Ismail Bhutto, Addl. A.G Sindh and Mr.
Muhammad Ismail Bhutto, Addl. A.G Sindh along with
IO/SIP Abdul Majeed PS Sindhri.

Learned counsel for petitioners submits that petitioner No.2 has contracted marriage with petitioner No.1 out of her own freewill and, therefore, subject FIR bearing Crime No.34/2022 of PS Sindhri is liable to be dismissed.

It may be mentioned that private respondents' counsel on 27.10.2022 appeared, had pointed out that petitioner No.2 was minor and underage and was not competent to independently enter into marriage bond as highlighted in Sindh Child Marriages Restraint Act, 2013. Therefore, IO was directed to get petitioner No.2 medically examined to determine her age and case was adjourned to 29.11.2022. On 29.11.2022, IO appeared and submitted that petitioner No.2 had not appeared before medical board, and since no one was present on behalf of the petitioners, the case was adjourned to today. Today, also parents of petitioner No.2 are present along with IO, who has submitted that petitioner No.2 is not cooperating in the investigation and is not submitting herself to medical examination.

It is clear that petitioner No.2 is avoiding to get herself medically examined to determine her age and dispose of this petition on merits. Finding no attendance, this petition is dismissed along with pending application and IO is directed to proceed with the FIR in accordance with law and submit report before the Magistrate concerned.

JUDGE

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