

**ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD4**

Criminal Miscellaneous Application No.S-122 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on office objection.
2. For orders on MA No.1497/2025.
3. For hearing of main case.

24-03-2025

Mr. Haq Nawaz Jamari advocate for applicant.

RIAZAT ALI SAHAR J: - Through this criminal miscellaneous application, the applicant has prayed as under:-

- a. That this Honourable Court may be kindly be pleased to issue 'RULE NISI' and further be pleased to direct the respondents No.2to5 to recover the detainees and to produce her before this Honorable Corot and after recording her statement she may be set at liberty wherever she wants to go.*
- b. That this Honourable court may be pleased to direct to respondent No.2to5 to produce the detainee before this Honourable Court.*
- c. That this Honourable Court may be pleased to direct the respondent No. 2 to 5 to conduct raids at the address of the private respondents and recover the detainee from illegal confinement of the private respondents and detainees may be produced before this Honourable Court and record her statement according to law.*
- d. Any other relief which this Honorable Court may deems fit just and proper under the circumstances of the case.*

2. The brief facts leading to this criminal miscellaneous application, as stated by the applicant, are that he claims to have contracted a freewill marriage with Mst. Pashma (alleged detainee).

It is alleged that, in retaliation, the private respondents nominated him in FIR No. 123/2024 registered at Police Station Matli, in which the applicant secured bail. The applicant further states that he and Mst. Pashma had filed Constitution Petition No.D-1042 of 2024 before this Court, seeking protection. The petition was disposed of vide order dated 27.06.2024, with a direction that no harassment shall be caused to them by the police and that police action must be in strict accordance with law. Subsequently, the applicant also filed Criminal Miscellaneous Application No. 223 of 2024 before the learned Sessions Judge, Badin, seeking recovery and production of the alleged detainee. The said application was transferred to the Court of learned Additional Sessions Judge, Matli, where the custody of Mst. Pashma was handed over to the private respondents.

3. A perusal of the order dated 14.11.2024 passed by the learned Additional Sessions Judge, Matli (available at page 39 of the Court file) reveals that the alleged detainee, Mst. Pashma, was produced before the Court. In her statement, she categorically denied any marital relationship with the applicant, stating that he is not her husband and that she has never contracted marriage with him. She further stated that she is residing with her husband Pervaiz son of Moula Bux Laghari, out of her own freewill and choice. She also clarified that she has not been abducted, kidnapped or kept in any form of wrongful confinement. On the basis of her voluntary statement, the Court below allowed her to live freely according to her own wishes, without interference from either party.

4. The learned counsel for the applicant was confronted with the above judicial proceedings and was queried regarding the maintainability of the present petition in view of the categorical statement made by Mst. Pashma before the competent court. However, he failed to provide any plausible explanation or legal justification as to how the present application remains maintainable after the alleged detainee has unequivocally denied all claims made by the applicant and expressed her independent choice to live with her husband.

5. In view of the above, it is evident that the alleged detainee, Mst. Pashma, has voluntarily appeared before the competent Court and clearly stated that she has not been abducted or wrongfully confined and that she resides with her lawful husband of her own freewill. She has categorically denied any marital relationship with the applicant and affirmed her independent choice without any coercion or duress. The relief sought by the applicant is thus rendered infructuous and devoid of merit. Moreover, no justifiable ground has been presented by the applicant's counsel to challenge or rebut the proceedings and findings of the learned Additional Sessions Judge, Matli. Therefore, the present application being misconceived and not maintainable in law, is hereby **dismissed**. These are the reasons for my short order dated 24.03.2025.

JUDGE