

*ORDER SHEET*  
**HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Cr. Misc Application No.S-256 of 2025.

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
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1. For orders on office objections.
2. For hearing of main case.

16.06.2025.

Mr. Dilber Khan Laghari, Advocate for Applicant.

Mr. Liaquat Ali Mirbahar, Advocate for Respondent No.3 to 5.

Mr. Saleem Yousuf, Advocate for Respondent No.8.

Ms. Safa Hisbani, A.P.G for the State a/w SIP Akbar Ali from PS Makki Shah.

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Learned Counsel appearing on behalf of the Applicant contends that the daughter of the Applicant is a minor and was allegedly kidnapped by respondents No. 3 to 7 on 23.02.2025 at approximately 02:00 a.m. He further contends that the minor daughter of Applicant namely Ms. Sanam was made to enter into a Nikah with Respondent No.3/Fayaz (*A copy of the alleged Nikahnama is attached at page No.33*). He stated that under the Sindh Child Marriage Restraint Act 2013 ("**the Act**"), the said action of the Respondents No. 3 to 7 were illegal, and that Respondent No. 8 being the person who performed the Nikah Ceremony and provided the Nikahnama is also liable for punishment under this Act. Learned Counsel for the Applicant contends that they have tried to approach the Police authorities for proper inquiry and assistance into the matter, but the Police authorities have remained unhelpful in the matter.

The learned Counsel appearing on behalf of the Respondents No. 3 to 5 states that the girl / Ms. Sanam had claimed to have passed the age of majority, i.e. she was not a minor. He further contended that marriage with Respondent No. 3 was of her own choice and without any coercion or duress.

He further states that there was no kidnapping and that the girl is happily residing with her (now) husband (i.e. Respondent No.3).

Learned A.P.G for the State submits that there was an order dated 26.05.2025, showing that the girl / Ms. Sanam had appeared before this Honourable Court and made a categorical statement that she is happily married and living with her husband, and that she was never abducted by anyone. The learned A.P.G further submits that she does not think that this is a forced marriage, but however, only an Ossification test could truly determine the age of girl Mst. Sanam.

Counsel for Respondent No. 8 submits that he was informed that the girl was of the age of majority, and she had stated on oath that she was over 18 years of age, and therefore submits that Respondent No. 8 is not liable for any wrong doing in the instant matter.

I have exhaustively heard all the learned Counsels and have perused the File. I have found that if this matter is to proceed it will require a proper trial and recording of evidence. Since the Applicant is asserting her claim under the Sindh Child Marriage Restraint Act 2013 ("**2013 Act**"), the correct forum for adjudication would be the First Class Magistrate<sup>1</sup> having jurisdiction.

However, to try and reach a more expeditious and less laborious solution, at the first instance the concerned Station House Officer ("**SHO**") is directed to call the Applicant (mother) and brother of the girl namely Ms. Sanam, as well as Ms. Sanam the girl in-person alongwith Respondent No. 3, and thereafter hear their version of events. Advocates for the mentioned persons may also be present at the meeting. Subsequently, if the SHO deems necessary he can then launch further proceedings as required against any guilty party, in accordance with law. He may also approach the relevant First Class Magistrate having jurisdiction, in accordance with provisions of the 2013 Act, for a proper trial in the matter. The SHO concerned is directed to hear all the parties and conclude such proceedings within four (04) days after receipt of this Order.

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<sup>1</sup> Section 7 Sindh Child Marriages Restraint Act 2013

After hearing the Parties, if the Applicant feels that a fair and impartial hearing was not conducted by the SHO, and/or the matter remains unresolved, she shall also be at liberty to approach any relevant forum for redressal of her grievances. She would even be at liberty to re-invoke jurisdiction of the High Court, if no other forum was available to her.

It is also hereby further directed that if any of the parties approach the First Class Magistrate with regard to the instant matter, the said learned Magistrate shall conduct an expeditious trial to ensure that the matter is resolved in a timely and just manner, and shall endeavour to conclude the trial within a period of two (2) months. The Trial Court shall be at liberty to order an Ossification or any other test of Ms. Sanam which may be necessary to deduce her age, at the time the alleged incident occurred. If it is found by the learned Trial Court that Ms. Sanam was under the age of majority at the time of her Nikah, the Trial Court shall ensure strict action is taken against perpetrators who aided and facilitated such Nikah. This would include Respondent No. 8. The Trial Court shall ensure any persons found guilty should be accordingly strictly punished under law.

Accordingly, this Cr. Misc Application stands disposed.

JUDGE

*Ali.*