

Date of
Hearing

ORDER WITH SIGNATURE OF JUDGE

PRESENT:

Mr. Justice Omar Sial,
Mr. Justice Zulfiqar Ali Sangi,

1. For orders on office objection-A.
2. For orders on maintainability of main case.

Mr. Liaquat Ali Shar, Addl. Advocate General Sindh, along with
ASI/SIO Mohammad Alam Abro of PS Waleed, Larkana.

Date of hearing : 28.04.2021.
Date of Order : 04.06.2021.

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ORDER

Omar Sial, J.: The petitioner's grievance is that he is the brother of Asma Ali who on 7-3-2021 left the house for some work but did not return. The petitioner tried to find her and also approached the relevant police station with his grievance but he was told to wait for a few days. On 11-3-2021 the petitioner lodged an F.I.R. which was numbered 50 of 2021 under section 365-B, P.P.C. for the kidnapping of his sister. A month later i.e. on 10-4-2021, the petitioner was asked by the investigating officer of the case to accompany him to Gujranwalla where on 14-2-2021 they went to a house in which only the investigating officer went in. The investigating officer after a few hours came out of the house and told the petitioner that Asma Ali had married one Amir Hussain s/o Ghulam Rasool, who was not in Pakistan at that moment. The petitioner was not allowed to meet Asma. Subsequently, the petitioner was told by the investigating officer that on the basis of his investigation, he was recommending disposal of the case in 'C' Class. This petition has been filed with the prayer that the detainee and her husband Amir Hussain be produced before this court and that the matter be reinvestigated.

2. We have heard the learned counsel for the parties as well as the learned Additional Advocate General and the investigating officer of the case.
3. The investigating officer of the case has put on record the marriage registration certificate issued by the Government of Punjab which reflects that

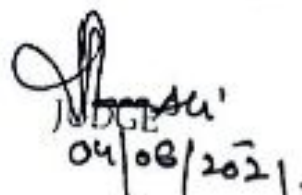
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Asma Ali married Amir Hussain on 5-3-2021. He has also put on record a copy of the nikahnama which reflects the marriage of Asma with Amir Hussain on 5-3-2021. He has also put on record a copy of a complaint filed by Asma Ali before the learned Judicial Magistrate, Jinnah Road, Gujranwala on 10-3-2021. The complaint has been officially received and bears the photograph of Asma Ali. In her complaint Asma Ali has stated that she had eloped willingly with Amir Hussain as her family wanted to marry her to an old man. Asma Ali also recorded her statement in person before the learned Senior Civil Judge (Criminal Division) D/Magistrate, Section 30, Gujranwala, the same date in which she stated what she had recorded in her complaint. The same date the learned magistrate has passed an order that reflects that Asma's photo was taken through a webcam and affixed on the complaint and that she was also identified by her counsel. The learned magistrate's record shows that on 13-4-2021 Asma moved an application before the learned District & Sessions Judge Gujranwala, when she was present in person, and prayed that she be permitted to record a statement under section 164, Cr.P.C. On 16-4-2021 she appeared once again in court and recorded a statement under section 164 Cr.P.C. where she has stated that she has married Amir Hussain through her own freewill and consent. The court record in this regard has been put in record.

4. In view of the above, we are of the view that no interference from this Court is required in the matter. The learned court seized of the matter shall deal with it and decide the case in accordance with law. Petition stands dismissed.



JUDGE


JUDGE
04/08/2021.