

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 832 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Petitioners Mst. Saira and another through Mr. Badaruddin Indhar advocate.

Province of Sindh & others Through Mr. Zulfiqar Ali Naich, Assistant Advocate General, Sindh.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

Date of hearing and order: 09-06-2026.

ORDER.

Adnan-ul-Karim Memon J:- The petitioners, Mst. Saira and Khaliq Zaman Ali Shah, filed this Constitutional Petition under Article 199 of the Constitution seeking quashment of FIR No.47 of 2026, registered at Police Station City Osta Muhammad, Balochistan, under Sections 496-A and 34 PPC, along with protection against arrest and harassment.

2. Petitioner No.1 appeared in person along with her counsel and stated that, being sui juris, she had contracted marriage with petitioner No.2 of her own free will. She contended that the FIR was falsely lodged by her father, Ghulam Serwar, to pressure her and her in-laws. The petitioners relied upon the Nikahnama and the affidavit of free will.

3. The Investigating Officer submitted that after recording the statement of petitioner No.1, he would complete the investigation and submit the report before the concerned Magistrate for an appropriate order on such summary report based on her statement. 4. In view of this statement, learned counsel for the petitioners agreed to the disposal of the petition.

5. However, the father of the petitioner No.1 has raised his voice of concern with the narration that this petition is not maintainable before this Court based on the territorial jurisdiction of this Court and prayed for dismissal of the petition.

6. Having considered the submissions of the parties, it appears that petitioner No.1 has unequivocally stated before this Court that, being a sui juris adult, she contracted marriage with petitioner No.2 of her own free will and without any coercion. The Investigating Officer has also undertaken to record her statement and intends to complete the investigation in accordance with the law by submitting an appropriate report to the competent Magistrate for disposal of the case. In these circumstances, no further adjudication by this Court is presently required, on merits.

7. As regards the objection raised by the private respondent concerning territorial jurisdiction and maintainability of the petition, the same need not be examined in depth at this stage, as this Court is not adjudicating upon the merits of the FIR, nor is it granting the substantive relief of quashment sought by the petitioners under Article 199 of the Constitution.

8. Since the matter is being disposed of on the statement of the Investigating Officer and with the consent of the petitioners, leaving the question of legality of the FIR before the competent Magistrate, the objection regarding maintainability has become academic for the present proceedings, in view of the statement of lady and investigating officer of the case.

9. Consequently, without expressing any opinion on the merits of the allegations contained in the FIR, this petition is disposed of with the direction to the Investigating Officer to complete the investigation in terms the statement of petitioner No.1, strictly in accordance with law, and submit the requisite report before the competent Magistrate having jurisdiction, who shall pass appropriate orders independently and uninfluenced by any observation contained herein.

10. The pending applications are also disposed of in the above terms.

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ARBROHIPS