

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Misc. Appln No.S-156 of 2026

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of Main Case.

11.06.2026

Mr. Izhar Ali Kandhro, advocate for the applicant.

ORDER

RIAZAT ALI SAHAR, J- Through the instant Criminal Miscellaneous Application, the applicant Imtiaz Ali Shaikh has called in question the order dated 16.04.2026 passed by the learned Special Judge, Anti-Rape Court, Larkana, whereby the report under Section 173, Cr.P.C. submitted by the Investigating Officer of SSOIU, recommending disposal of the FIR under cancelled "C" class, was approved.

2. Learned Counsel for the applicant has placed on record a copy of the statement of the alleged abductee Mst. Afsana recorded under Section 164, Cr.P.C. before the Judicial Magistrate-II, Dokri, under the cover of his statement dated 11.06.2026 and contended that the minor daughter of the applicant, namely Mst. Afsana, aged about 10/11 years, was abducted by respondents No.3 to 5/accused, namely Talib Chandio, Mehboob Mirani and Gulsher Junejo, at gunpoint from Government Hospital, Dokri, whereafter respondent/accused Talib Chandio forcibly contracted marriage with her. Learned Counsel further contends that the applicant/complainant and the PWs cited in the FIR fully supported the prosecution version; however, the Investigating Officer, having allegedly been influenced by the respondents/accused, conducted a biased and partial investigation and recommended disposal of the

FIR under "C" class. It is further contended that the learned Special Judge, Anti-Rape Court, Larkana, while approving such recommendation, failed to appreciate the facts and circumstances of the case in their true perspective.

3. I have examined the available record. It appears that the main offence alleged in the FIR is punishable under Section 364-A, PPC, relating to kidnapping or abducting a person. However, from the perusal of the statement of the alleged abductee Mst. Afsana recorded under Section 164, Cr.P.C. before the Judicial Magistrate-II, Dokri, a copy whereof has been placed on record by learned Counsel for the applicant, it transpires that she has disclosed her age as 20 years. She has further stated in clear and categorical terms that she left the house of her parents voluntarily and contracted marriage with respondent/accused Talib Chandio out of her own free will. She has also stated that the FIR lodged by her parents regarding her alleged abduction is false.

4. The impugned order further reflects that the learned Special Judge, Anti-Rape Court, Larkana, approved the recommendation of the Investigating Officer after taking into consideration the statements recorded under Sections 161 and 164, Cr.P.C. of the alleged abductee. When the star witness of the prosecution, namely Mst. Afsana, has not only failed to support the prosecution case but has also denied the occurrence itself, and when the matter relates to a freewill marriage, the statements of the applicant/complainant and other PWs cited in the FIR, in the given circumstances, cannot override the categorical statement of the alleged abductee recorded before a competent Judicial Magistrate.

5. Learned Counsel for the applicant has also failed to point out any illegality, irregularity, or jurisdictional defect in the impugned order, which appears to have been passed after considering all relevant aspects of the matter.

6. For the foregoing reasons, no illegality or infirmity is found in the impugned order warranting interference by this Court. Consequently, the instant Criminal Miscellaneous Application is dismissed in limine along with pending application(s), if any.

Judge

M Yousuf Panhwar**