

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P. No.D-864 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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For order on office objections.
For hearing of MA No.3553/2026.
For hearing of main case.

14.05.2026

M/s. Fakhur-ud-din Dahraj and Seema Khoso advocates for petitioner.

M/s. Rafique Ahmed Dahri Assistant A.G. Sindh and Siraj Ahmed Bijarani A.P.G. Sindh along with SIP Muhammad Kashan Khanzada I.O. of the case.

Mr. Ghulam Farooque Solangi advocate files Vakalatnama on behalf of respondent No.9, taken on record.

The petitioner, Mst. Sapna, having been produced from Darul Aman, Hyderabad, is present before the Court along with her learned counsel. The petitioner submits that she is 20 years of age and being *sui juris* has contracted marriage with Shoaib Ali son of Zahid Ali out of her own free will and consent, without any pressure or coercion. She further submits that respondent No.9, who is her brother, has lodged a false FIR at Police Station Cantonment, Hyderabad, under Sections 3 and 4 of the Child Marriage Act, 2013, due to the said un-ceremonial marriage. The petitioner further states that her husband has been screened out by her parents; therefore, she has expressed her free will and consent to reside with her father-in-law and mother-in-law, who are also present before the Court. Learned counsel for the petitioner submits that the petitioner is major and has also referred Primary School Leaving Certificate of the petitioner (available at page-23 of the court file), which reflects that the date of birth of the petitioner recorded in the Certificate is 20.03.2007.

Investigating Officer present has also recorded statement of petitioner under Section 161 Cr.P.C. In her statement, petitioner No.1 reiterated the facts as stated by her and categorically denied the allegations levelled in the FIR. In view of the statement of the petitioner, the Investigating Officer submits that he shall submit a report under Section 173 Cr.P.C. before the learned concerned Magistrate within seven (07) days, for seeking appropriate order in accordance with law. The learned Magistrate shall pass appropriate order after providing opportunity of hearing to both the parties particularly considering the stance of petitioner Mst. Sapna.

At this juncture, learned counsel for respondent No.9 while placing on record birth certificate of the petitioner submits that she is of minor age. The respondent No.9 is at liberty to first agitate such fact before the I.O. of the case and then before the learned Magistrate while passing order over report under section 173 Cr.P.C.

In view of the above facts and circumstances of the case, the impugned order dated 01.04.2026 passed by learned Magistrate is set-aside and the petitioner is allowed to reside with her father-in-law and mother-in-law. However, the petitioner's father-in-law namely Zahid Ali son of Gul Muhammad (CNIC # 45302-0382665-5) and mother-in-law namely Mst. Shahnaz wife of Zahid Ali (CNIC # 45302-0364974-0) present in Court are directed to execute a PR bond in the sum of Rs.1,000,000/- (One million) before the Additional Registrar of this Court that they shall keep the petitioner safe and ensure that no harm is caused to the petitioner.

As a result whereof, the instant petition stands **disposed of** in the above terms along with listed application.

JUDGE

JUDGE

Abdullah Channa/PS