

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1219 of 2026

[Mst. Kiran and another v. The Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioners by : Syed Zaffar Ali Shah Bukhari, Advocate

Respondents by : M/s Saeed Ahmed Wassan, Assistant Advocate General Sindh and Imran Mobeen Khan, Assistant Prosecutor General

Date of Hearing : **22.09.2026**

Date of Decision : **22.09.2026**

ORDER

ARBAB ALI HAKRO, J. – Through the instant petition, the petitioners, Mst. Kiran and Hassnain, have approached this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking quashment of FIR bearing Crime No. 23 of 2025, registered at Police Station Risala, Karachi South (hereinafter referred to as “**the impugned FIR**”), along with consequential relief.

2. Briefly stated, the facts set out in the petition are that Petitioners No.1 and 2 married of their own free will and choice on 28.12.2024 in Karachi. Their *Nikah* was duly solemnized and registered by a licensed *Nikah* Registrar. It is alleged that Respondent No.5 (father of Petitioner No.1), dissatisfied with the marriage, initially lodged FIR bearing Crime No.156 of 2024 at Police Station Rehmatpur, District Larkana, alleging abduction of Petitioner No.1. Subsequently, Respondent No.5 lodged a second FIR bearing Crime No.23 of 2025 at Police Station Risala, Karachi South, under Sections 3 and 4 of the Sindh Child Marriages Restraint Act, 2013 (hereinafter referred to as “**the Act of 2013**”), alleging that Petitioner No.1 was approximately 13 years of age at the time of her marriage.

3. Learned counsel for the petitioners submitted that Petitioner No.1 was a major at the time of the marriage, having attained the age of majority as reflected in her Nikahnama and in her affidavit of free will, executed before the learned Magistrate, which records her age as 18 years. It was further submitted that a child has been born out of wedlock, and that the initiation of proceedings under the Act of 2013, as well as the registration of two separate FIRs in different districts arising out of the same core occurrence, amounts to deliberate harassment and a gross abuse of the process of law.

4. Pursuant to the directions issued by this Court on 16.07.2026 directing the petitioners to place on record the outcome of FIR No.23 of 2025, learned counsel for the petitioners filed a statement dated 28.07.2026, placing on record the case diary and order dated 13.02.2026 passed by the learned Judicial Magistrate-IV, Karachi South, upon the final report submitted by the police under Section 173, Cr.P.C.¹

5. A perusal of the record and the order dated 13.02.2026 reveals that the learned Judicial Magistrate-IV, Karachi South, took cognizance of the fact that a prior FIR (Crime No.156 of 2024) had already been registered at Police Station Rehmatpur, District Larkana, regarding the same occurrence. Relying upon the dictum laid down by the Hon'ble Supreme Court in **Sughra Bibi**², the learned Magistrate observed that registration of a second FIR in respect of the same occurrence was legally impermissible, and that any subsequent facts or offences ought to have been investigated within the purview of the first FIR. Consequently, the learned Magistrate disagreed with the Investigating Officer's conclusion, disposed of Crime No.23 of 2025 under "C" Class, and directed the concerned SHO to process the disposal of the FIR under Rule 24.7 of the Police Rules, 1934.

6. The learned law officers submitted that the instant petition seeking quashment of the impugned FIR has been rendered infructuous, as the

¹ Statement dated 28.07.2026 filed by learned counsel for the petitioners, annexing the case diary and the order dated 13.02.2026 passed by the learned Judicial Magistrate-IV, Karachi South.

² *Sughra Bibi v. The State* PLD 2018 SC 595.

Investigating Officer, upon completing the investigation under Section 173 Cr.P.C., submitted a report, following which the learned Judicial Magistrate-IV, Karachi South, vide order dated 13.02.2026, has already disposed of the said FIR under “C” Class in accordance with Rule 24.7 of the Police Rules, 1934 and the dictum laid down in *Sughra Bibi* (n.2 above). They further contended that the registration of the impugned FIR was neither *mala fide* nor an abuse of process, as it was lodged pursuant to a judicial direction issued under Section 22-A(6) Cr.P.C. based on *prima facie* documentary evidence alleging a violation of the Act of 2013; however, since the matter has already been legally concluded before the court of competent jurisdiction and a final challan under Section 512, Cr.P.C. has separately been submitted in the earlier FIR (Crime No.156 of 2024), no active proceedings remain regarding the impugned FIR, rendering the petition liable to be disposed of as infructuous.

7. Statements have also been filed today by the Investigating Officer of Crime No.156 of 2024 (Police Station Rehmatpur) and the SHO, Police Station Risala.³ The I.O. of Crime No.156 of 2024 reported that a final challan under Section 512, Cr.P.C. has been submitted before the competent Court against the absconding accused. The report of the SHO, Police Station Risala, confirms the procedural background leading to the *ex-officio* Justice of the Peace order dated 31.01.2025 under Section 22-A(6), Cr.P.C., which culminated in FIR No.23 of 2025, now disposed of under “C” Class.

8. It is further necessary to clarify an inadvertent error in the previous order of this Court dated 19.08.2026, wherein it was recorded that the petitioners sought quashment of FIR bearing Crime No.156 of 2024 registered at Police Station Rehmatpur, District Larkana. The record, including the prayer clause of the main petition and the order dated 16.07.2026, clearly establishes that the relief sought herein is strictly confined to the quashment of FIR bearing Crime No.23 of 2025 registered at

³ Statements dated 22.09.2026 filed by the Investigating Officer of Crime No.156 of 2024 (Police Station Rehmatpur) and the SHO, Police Station Risala, Karachi South.

Police Station Risala, Karachi South. Accordingly, in exercise of the inherent power of this Court to rectify an accidental slip, the reference to FIR No.156 of 2024 in the order dated 19.08.2026 stands corrected and shall be read as referring to FIR No.23 of 2025 of Police Station Risala, Karachi South.

9. In view of the above circumstances, the FIR bearing Crime No. 23 of 2025, registered at Police Station Risala, Karachi South, the quashment of which is the sole subject matter of the present petition, has already been cancelled/disposed of under “C” Class by the learned Judicial Magistrate-IV, Karachi South, vide order dated 13.02.2026. No further cause of action survives for adjudication before this Court. The main grievance of the petitioners regarding the subsistence of the said FIR stands redressed by operation of the Magistrate’s order, and no effective relief can now be granted in these proceedings.

10. However, it is clarified that nothing observed hereinabove shall be construed as expressing any opinion on the age of Petitioner No.1, the validity of the marriage, or the merits of Crime No.156 of 2024 registered at Police Station Rehmatpur, District Larkana, in which a challan under Section 512, Cr.P.C. is stated to have been submitted; the parties shall be at liberty to pursue such remedies in respect thereof as may be available to them in law.

11. Consequently, the instant petition, having been rendered infructuous, is hereby **disposed of**. Office is directed to communicate this order to the learned Judicial Magistrate-IV, Karachi South and to the SHOs of Police Station Risala, Karachi South and Police Station Rehmatpur, District Larkana, for information.

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Abdul Basit