

ORDER SHEET
THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P. No. D – 1403 of 2026

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

- 1. For orders on office objections at Flag-A
- 2. For hearing of CMA No.5212/2026 (S/A)
- 3. For hearing of main case

22.09.2026

M/s Shabbir Ali Bozdar and Badaruddin Memon, Advocates for petitioners.
Agha Athar Hussain Abro, Assistant Advocate General Sindh.
Mr. Imran Mobeen Khan, Deputy Prosecutor General.

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Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioners, who claim to be lawfully wedded spouses, have invoked the constitutional jurisdiction of this Court for the reliefs set out in the prayer clause of the petition, in the backdrop of the FIR lodged by Respondent No.6, the father of Petitioner No.1, alleging her abduction.

Pursuant to the order dated 18.08.2026, the Investigating Officer in the case has appeared before the Court. Petitioners No.1 and 2 are also present. Respondent No.6/complainant of the FIR, along with his daughter, Mst. Uzma Shireen, is present in Court. Statements have been submitted on behalf of the SSP, Hyderabad, the SSP, Khairpur and the SHO, Police Station Jarwar, and are taken on record.

The I.O. has produced a copy of the statement of the alleged abductee, Mst. Asma Shireen (Petitioner No.1), recorded under Section 161, Cr.P.C. He submits that, according to her statement, she, being *sui juris*, contracted marriage with Gul Bahar (Petitioner No.2) on 16.08.2025 of her own free will and desire, without any coercion or compulsion. She has further stated that she was not abducted by anyone and is residing happily with her husband. She has alleged that her father, namely Imam Dino (Respondent No.6), lodged a false FIR alleging her abduction. Finally, she has expressed her unequivocal desire to reside with her

husband, Petitioner No.2. Petitioner No.1, being present in Court, has, upon Court query, reaffirmed the contents of her aforesaid statement.

Respondent No.6/complainant, the father of Petitioner No.1, submits that Petitioner No.2 had earlier married his elder daughter, Mst. Uzma Shireen, on 06.11.2023, and that the marriage subsists. He further submits that, notwithstanding the subsistence of that marriage, Petitioner No.2 has contracted another marriage with his younger daughter, Mst. Asma Shireen, who is the younger sister of Mst. Uzma Shireen.

Petitioner No. 2 is present in Court. He submits that he divorced Mst. Uzma Shireen and thereafter contracted a second marriage. However, upon being questioned by the Court, he is unable to recall either the date on which the alleged divorce was pronounced or the names of the witnesses in whose presence it was allegedly effected. Nor has any documentary proof of the alleged divorce, or of notice thereof having been given to the Chairman of the Union Council concerned, been placed before the Court.

The I.O. further submits that he shall look into the matter in its entirety, record the statements of all relevant witnesses regarding the alleged divorce and the circumstances attending it, conduct a fair, impartial and transparent investigation, and thereafter submit a report under Section 173 Cr.P.C. before the learned Judicial Magistrate concerned. During the investigation, the Investigating Officer shall also examine whether the alleged divorce was pronounced and notified in accordance with law, and whether the second marriage was contracted after obtaining permission from the Arbitration Council. The investigation shall be completed and the report submitted expeditiously, preferably within thirty (30) days from today. Upon receipt of the report, the learned Judicial Magistrate shall pass an appropriate order thereon strictly in accordance with law, uninfluenced by any observation made herein.

Petitioner No. 1, being sui juris, is at liberty to reside with the person of her choice, and no restraint shall be placed upon her liberty.

However, the observations made hereinabove are tentative, confined to the disposal of this petition, and shall not prejudice the rights of any party or the outcome of the investigation.

In view of the foregoing, the instant petition stands **disposed of** in the above terms, along with the listed application. The Office shall transmit a copy of this order to the learned Judicial Magistrate concerned, the SSP, Hyderabad, and the Investigating Officer, for information and compliance.

J U D G E

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Abdul Basit