

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**C.P No.D-1344 of 2026.***[Mst. Kausar and another vs. Province of Sindh and others]***Before:***Justice Adnan-ul-Karim Memon.**Justice Muhammad Jaffer Raza.*

Petitioners : By Mr. G.M Leghari advocate

Private respondent(s) : By Mr. Muhammad Rafique advocate

Official respondents : By Mr. Ayaz Ali Rajper Assistant A.G Sindh and Mr. Nazar Muhammad Memon Additional P.G Sindh a/w Inspector Aijaz Ahmed Soomro, IO SIP Bahadur Ali Bhatti, ASI Liaquat Ali Jhatial & Inspector Manzoor Ali

Date of Hearing : 15.10.2026.

Date of Decision : 15.10.2026.

O R D E R

ADNAN –UL-KARIM MEMON J:- Petitioners No.1 and 2 filed this petition under Article 199 of the Constitution seeking quashment of FIR No.318/2026, registered under Sections 365-B and 363 PPC, read with the Anti-Rape Act, 2021 and Sections 3, 4 and 5 of the Child Marriage Act, at P.S. Qasimabad, Hyderabad, alleging it to be false and fabricated.

2. The learned counsel for the petitioners contended that Petitioner No.1 married Petitioner No.2 of her own free will and was neither kidnapped nor coerced.

3. Pursuant to the order dated 13.07.2026, her statement was recorded by the Investigating Officer, wherein she has reiterated her ordeal and supported the stance of petitioner No.2. The Investigation Officer undertook to submit a C-class report before the learned Magistrate.

4. The counsel for the private respondent(s) has submitted that the petitioner No.1 is underage and as such cannot enter into marriage, therefore, this petition may be dismissed.

5. The question of her age is left to the competent authority to decide in accordance with law as this court cannot determine the age in constitution petition.

6. Accordingly, without touching merits of the case, the petition and pending applications are disposed of, with directions to the Investigating Officer to submit such summary report under C Class before the concerned Magistrate for decision in terms of the statement of the lady petitioner; meanwhile, the SSP concerned shall provide protection to the couple, prevent their arrest by police or harassment by private respondents, and obtain bonds from the private respondents, ensuring that no harm would be caused to the petitioners.

JUDGE

JUDGE

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