HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1968 of 2026
[Mst. Saira & another vs. Province of Sindh and Others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioners	By Mr. Zahur Ahmed Ansari, advocate
Respondent No.7	By Mr. Mumtaz Lashari, advocate
Official respondents	By Mr. Rafique Ahmed Dahri, Additional A.G Sindh and Mr. Nazar Muhammad Memon Additional P.G Sindh
Date of hearing	13.10.2026
Date of Decision	13.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- Petitioners Mst. Saira and Abdul Rehman have filed this petition under Article 199 of the Constitution, seeking quashment of FIR No.47/2026 registered under Sections 365-B, 35 PPC read with Sections 3 and 4 of the Sindh Child Marriage Restraint Act, 2013, at Police Station Women Tando Allahyar, and protection from arrest and harassment.

2. Learned counsel submits that petitioner No.1, Mst. Saira, contracted marriage with petitioner No.2 of her own free will and that the FIR is false and mala fide. Petitioner No.1, present in Court, denies her abduction or coercion.

3. Conversely, learned counsel for respondent No.7 produces her B-Form and School Leaving Certificate, reflecting her age as 14 years and 7 months, and contends that the Sindh Child Marriages Restraint Act, 2013 prohibits child marriages and prescribes punishment for persons facilitating such marriages including parents.

4. The Investigating Officer confirms recording her statement and states that a “C” class report will be submitted before the concerned Magistrate. The request seems to be reasonable and acceded to.

5. So far as the issue of underage is concerned, it appears that despite repeated directions requiring verification of the ages of couples who contract marriages, before registration of Nikah, however, underage marriages continue to occur, exposing girls to sexual abuse, human trafficking and other serious consequences. Relying upon Rehmat Bibi (PLD 2016 Sindh 268), this Court emphasized the need for functional rescue centers, safe houses and rehabilitation facilities for vulnerable girls.

6. Rule 3 of the Sindh Child Marriages Restraint Rules, 2016, requires verification of the parties’ ages through CNICs or medical certificates and supporting affidavits. Accordingly, all Deputy Commissioners were directed to ensure that the said requirements

were / are communicated to all licensed Nikah Registrars through concerned Union Councils or Municipal Administrations, who must prevent registration of underage marriages and report violations for penal action. This Court also expressed concern regarding the apparent non-establishment or non-functioning of Child Protection Institutes and the Provincial and District Monitoring Committees constituted under the Rules, and this Court had already directed the Chief Secretary Sindh, to submit details regarding the notification and existence of such committees in the reported case. However, nothing could be done in the intervening period. The Chief Secretary, Sindh and all Deputy Commissioners of Sindh are again directed to ensure prevention of underage marriages at any cost and rescue the girls at once without fail, and establish the rescue centers for their lodgment, welfare and care with due diligence.

7. In view of the statement of petitioner No.1, the allegation of abduction requires no further consideration and such summary report shall be submitted before the concerned Magistrate as requested by the I.O who shall pass order in terms of the statement of the lady petitioner. However, the question of underage marriage shall be examined by the concerned Magistrate in accordance with law upon submission of the report, more particularly in terms of the statement of the petitioner lady; however, it is made clear that the welfare of the lady petitioner is to be preferred first and if the couple are found to be happy with each other no harassment shall be caused to them. Meanwhile, the concerned SSPs shall ensure protection of the petitioners and prevent any harm to them at the hands of private respondents by taking bonds to that effect.

8. Accordingly, without expressing on the issue of underage, the petition stands disposed of along with the listed application.

Copy of this order be communicated to all concerned for compliance in time.

JUDGE

JUDGE

Karar_Hussain/PS*