

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-907 of 2026
(Mohammad Moosa vs. Sr. Superintendent of Police Sujawal)

Date	Order with signature(s) of Judge(s)
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Fresh Case.

1. For orders on Misc. No.6327/26
2. For orders on Misc. No.6328/26
3. For hearing of main case.

11.09.2026.

Syed Muhammad Mansoor Akhtar, Advocate for Petitioner.

Nisar Ahmed Bhanbro, J. Through instant petition, petitioner has claimed following relief(s):-

“a. Call for the complete record of the proceedings resulting in the order dated 24.08.2026 passed by the learned Sessions Judge, Sujawal, including the statement of respondent No.4 recorded on oath;

b. Call for the complete record of the proceedings before the learned Judicial Magistrate, Mirpur Bathoro, culminating in the order dated 12.08.2026;

c. Upon production of the record, examine the legality and propriety of the impugned order dated 24.08.2026 in exercise of the constitutional jurisdiction of this Honourable Court;

d. If deemed necessary, direct respondent No.4 to be produced before this Honourable Court so that her present and independent free will, safety and circumstances of residence may be ascertained directly by this Honourable Court;

e. Direct the official respondents to ensure that respondent No.4 is not subjected to any coercion, threat, undue influence or unlawful restraint and that she is permitted to exercise her lawful choice freely;

f. In the event respondent No.4, upon being independently heard, states that she voluntarily wishes to reside with private respondent No.3, permit her to exercise such choice in accordance with law;

g. In the event this Honourable Court finds that respondent No.4 is being unlawfully restrained or that her free will is being affected by coercion, threat or undue influence, pass appropriate orders for protection of her liberty in accordance with law;

h. Direct respondents No.1 and 2 to inquire into and take lawful action upon the petitioner's allegations regarding threats or any other cognizable offence, strictly in accordance with law.”

2. It transpires that the Petitioner intends to seek custody of his daughter, Mst. Salma, aged about 32 years, who has two children from her marriage with Shahi Khan, which marriage also stands dissolved by way of Khula through a decree of the Court dated 20.07.2026. The lady, feeling herself unsafe at the hands of the Petitioner and other family members, opted to seek shelter at Dar-ul-Aman, from where she moved

an application before the concerned Judicial Magistrate for her release. Subsequently, she was produced before the Judicial Magistrate, Mirpur Bahoro, where she recorded her statement and expressed her desire to reside with her paternal aunt, Mst. Noor Jehan. Accordingly, her custody was handed over to the said Mst. Noor Jehan, subject to furnishing PR Bonds in the sum of Rs.5,00,000/-. Thereafter, the Petitioner filed an application under Section 491, Cr.P.C. before the learned District & Sessions Judge, Sujawal, whereupon the alleged detainee, Mst. Salma, appeared and recorded her statement on 24.08.2026, wherein she stated that she had neither been abducted nor kept under any illegal confinement. However, she did not express her willingness to reside with her father. Consequently, the application under Section 491, Cr.P.C. was declined.

3. When confronted, the learned counsel for the Petitioner submits that the statement of the lady was recorded in the presence of the Petitioner, who was also aware of the proceedings in Family Suit No.26 of 2026, whereby the marriage was dissolved, as well as the order passed by the learned Judicial Magistrate, Mirpur Bathoro. Despite being fully aware of the said proceedings and order, the Petitioner has sought production of Mst. Salma, who is aged about 32 years and is the mother of two children, and has voluntarily opted to reside with her paternal aunt, Mst. Noor Jehan. The conduct of the Petitioner reflects that he intends to harass the lady and has resorted to litigation merely to disturb her peaceful and routine life. Such conduct on the part of the Petitioner cannot be appreciated at all.

4. This frivolous litigation ought to have been dealt with with an iron hand by imposing heavy costs; however, keeping in view the relationship of the Petitioner with Mst. Noor Jehan and Mst. Salma, a lenient view is being taken. Accordingly, the instant petition is dismissed in limine, along with all listed applications, with a note of caution that, if the Petitioner again attempts to disturb the Respondent in any manner whatsoever, he shall be dealt with strictly and subjected to heavy costs/penalty.

5. The petition stands disposed of with further directions to the Petitioner to execute a bond in the sum of Rs.10,00,000/- before the learned District & Sessions Judge, District Sujawal, in Habeas Corpus Application No.54 of 2026, along with an undertaking that he shall not cause any harassment to Mst. Salma or Mst. Noor Jehan. In the event of any such attempt, the aforesaid amount shall be recoverable from the Petitioner as arrears of land revenue.

JUDGE