

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P. No.D-671 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on MA No.2760/2026.
2. For order on office objection.
3. For order on MA No.2761/2026.
4. For hearing of main case.

16.04.2026

Mr. Gulfam Ali Narejo advocate for petitioners along with petitioners.

Mr. Rafique Ahmed Dahri Assistant A.G. Sindh.

1. Urgency granted.
3. Exemption granted subject to all just exceptions.

2&4. The petitioners are present in Court along with their learned counsel. Petitioner No.1, who is admittedly *sui juris*, submits that she has contracted a lawful marriage with petitioner No.2, namely Raza Haider, out of her own free will, wish and consent, without any element of coercion, inducement, or undue influence. She further submits that respondent No.6, being her father and aggrieved by their un-ceremonial marriage, has lodged a false and frivolous FIR bearing No.06 of 2026 at Police Station Hussainabad, District Hyderabad, under Sections 365-B and 34 PPC, with *mala fide* intention and ulterior motives.

Learned counsel for the petitioners submits that subsequent to their freewill marriage, petitioner No.2 was arrested and later admitted to bail. He further submits that petitioner No.1 was examined by the Investigating Officer under Section 161 Cr.P.C., and thereafter produced before the learned Judicial Magistrate, where her statement under Section 164 Cr.P.C. was recorded. In her said statement, petitioner No.1 has categorically denied the allegation of abduction and has reaffirmed that she entered into the marriage voluntarily. He adds that, pursuant to her statement, petitioner No.1 has already been handed over to petitioner No.2. Learned counsel, therefore, seeks quashment of the impugned FIR and protection to the petitioners.

Learned A.A.G., Sindh, who is present in Court in other matters, waives notice on behalf of the State.

It is a well-settled principle of law that where a major woman, being sui juris, clearly states before a Magistrate under Section 164 Cr.P.C. that she has not been abducted and has acted out of her own free will, the substratum of allegations under Section 365-B PPC becomes seriously doubtful. Such a statement, recorded with due legal sanctity, carries significant evidentiary value at this stage and cannot be lightly disregarded.

In the present case, petitioner No.1 has stated before this Court and before the learned Magistrate that her marriage with petitioner No.2 was solemnized voluntarily. There appears no *prima facie* material to justify coercive measures, particularly arrest, in the face of such clear statements.

In view of the above facts and circumstances, the Investigating Officer is directed that after considering the statements of petitioner No.1 recorded under Sections 161 and 164 Cr.P.C. submit a report under Section 173 Cr.P.C. before the learned concerned Magistrate within a period of seven (07) days, for seeking appropriate orders in accordance with law. In the meanwhile, no coercive action, including arrest, shall be taken in the subject FIR.

With the above directions, this petition stands **disposed of**.

Let a copy of this order be communicated to Senior Superintendent of Police, Hyderabad and SHO PS Hussainabad, Hyderabad for compliance under intimation to this Court through Additional Registrar.

JUDGE

JUDGE