

ORDER SHEET

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

***Criminal Miscellaneous Application No. S-322 of 2026.
(Muhammad Ali v. The State & others)***

Date	Orders with signature of Judge
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1. For orders on M.A No.4740/26 (E/A).
2. For hearing of main case.

18-09-2026.

Mr. Abdul Rehman Bhutto, Advocate for applicant.

Ali Haider 'Ada' J.- Through this application, the applicant has assailed the order dated 02.07.2026, passed by the learned Additional Sessions Judge/Special Judge, Anti-Rape, Kashmore, in Summary No.18/2026, whereby the learned Special Court accepted the police report and disposed of the case of the present applicant under 'C' Class.

2. Briefly stated, the applicant lodged an FIR for offences punishable under Sections 452, 365-B, PPC and Section 3 of the TIP Act, 2018, alleging that her granddaughter had been kidnapped by the accused party. During investigation, the police recorded the statement of Mst. Waseema, who stated that she had contracted marriage with the accused and that the FIR had been lodged with mala fide intent, as she had neither been kidnapped nor abducted. On the basis of such statement and the material collected during investigation, the Investigating Officer recommended disposal of the case under 'C' Class. Subsequently, Mst. Waseema, the alleged abductee, filed a Constitution Petition before the Divisional Bench of this Court, wherein protection was extended to her. Thereafter, upon receipt of the police report, the learned Special Court accepted the same and disposed of the case under 'C' Class.

3. Learned counsel for the applicant has mainly contended that the alleged abductee is a minor. In support of such contention, reliance has been placed upon her birth certificate, which, according to learned counsel, establishes that she was underage and, therefore, legally incompetent to contract marriage.

4. Heard and perused.

5. As regards the allegation of kidnapping and abduction, the same was not supported by the alleged abductee herself. Once the alleged abductee categorically denied having been kidnapped or abducted, the allegation could not derive legally sustained, particularly when the same stood further contradicted by the other circumstantial material collected during investigation. In these circumstances, the Investigating Officer as well as the learned Special Court rightly arrived at the conclusion that the allegations of kidnapping and abduction were not substantiated. In this regard, reliance may be placed upon **Muhammad Younis Waggan v. The State, 2026 PCr.LJ 188**.

6. Secondly, insofar as the question of age is concerned, the Honourable Federal Constitutional Court, in **Shahbaz Maseeh v. Additional Sessions Judge, Lahore and others, PLD 2026 FCC 138**, has observed that a child marriage is not expressly declared to be void and that the validity of such marriage may be examined in accordance with the principles of Muhammadan law.

7. In view of the aforesaid legal position, the question of attainment of puberty assumes relevance. In the present case, the date of birth of Mst. Waseema, as reflected in her birth certificate, is 28.12.2009, whereas the incident was reported on 23.04.2026. Thus, even otherwise, she had attained the age of majority by the time of the incident.

8. In view of the foregoing facts and circumstances, no ground for interference with the impugned order passed by the learned Additional Sessions Judge/Special Judge, Anti-Rape, Kashmore, is

made out. Accordingly, the instant application, being devoid of merit, is hereby dismissed in *limine*.

JUDGE