

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P.NO.D-1720 OF 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For katcha peshi.
2. For hearing of MA-7174/2017

07.06.2017

Mr. Aijaz Ahmed Chandio, Advocate for petitioner alongwith petitioner.

Mr. Allah Bachayo Soomro, Additional A.G

Syed Meeral Shah Bukhari, Additional P.G. a/w ASI/I.O Sher Khan of P.S Dangan Bhurgari District Mirpurkhas.

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Mst. Nasreen has been produced by the Incharge Dar-ul-Aman, who has stated that she has not been abducted by any one and has contracted marriage after marriage without any pressure or coercion with petitioner Abdul Rehman Kapri, who is present in Court. It has been further stated that earlier she was married with Ghulam Hussain, whereafter, she was divorced and forced to leave his house alongwith minor daughter, aged about 06 months. However, Mst.Nasreen after leaving her previous husband's house joined her relatives. Thereafter, she has contracted marriage with petitioner Abdul Rehman Kapri. She has further stated that all the allegations contained in FIR No.11 of 2017 registered at P.S Dangan Bhurgari are false and frivolous.

The Investigating Officer present in Court has placed the copy of statement of Mst.Nasreen recorded under Section 161 Cr.P.C and submits that in the statement she has categorically denied the allegations of her abduction. He has further stated that due to inadvertence and lack of experience he has submitted challan before the Court of Civil Judge/Judicial Magistrate-II, Kot Ghulam Muhammad in view of the statement of the complainant party, who have alleged that Mst.Nasreen has contracted marriage over marriage. Such conduct of the ASI present in Court is dubious and contrary to the

directions as contained in the order passed by this Court on 31.05.2017, whereby he was directed to record the statement of Mst.Nasreen under Section 161 Cr.P.C and place the same on record. On the contrary the Investigating Officer has added more Sections of PPC and has submitted challan for trial of the case.

Learned Additional A.G and Additional P.G present in Court submit that in view of the statement of Mst.Nasreen recorded before the Magistrate under Section 164 Cr.P.C and the statement recorded by the I.O under Section 161 Cr.P.C on the directions of this Court, wherein she has categorically denied the allegations of her abduction, the Investigating Officer of the case was not required to add Sections 494, 496-A, 496-B, 419 & 34 PPC and to submit challan. It has been suggested that the FIR and the proceedings thereof may be quashed. In support of their contentions, they have placed reliance upon the case of *SHAIKH MUHAMMAD AAMIR & ANOTHER V/S. GOVERNMENT OF SINDH THROUGH HOME SECRETARY & 04 OTHERS (PLD 2013 Sindh 488)*.

In view of the statement of Mst.Nasreen recorded by the Investigating Officer under Section 161 Cr.P.C and the statement before the concerned Judicial Magistrate under Section 164 Cr.P.C, whereby she has categorically denied the allegations of her abduction, the allegations contained in FIR No.11 of 2017 registered at P.S Dangan Bhurgari stand falsified, therefore, no useful purpose will be served if the trial may be allowed to continue. We, therefore, quash the aforesaid FIR and the proceedings emanating there from and would direct the Investigating Officer present in Court to intimate the order of this Court to the concerned Judicial Magistrate for information and compliance. The concerned Police is also directed to provide protection to the petitioner and his wife Mst.Nasreen in respect of their freewill marriage, whereas, the respondent No.7 may be at liberty to seek

appropriate remedy before the Family Court regarding Jectitation of Marriage. Incharge Dar-ul-Aman is directed to issue release writ and handover the custody of Mst.Nasreen to the petitioner Abdul Rehman today. The Police Escort of Dar-ul-Aman is also directed to ensure safe passage to Mst.Nasreen and petitioner to the Dar-ul-Aman and place of their destination.

Petition stands disposed of in the above terms.

JUDGE

JUDGE

Shahid