

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
C.P.No.D- 3508 of 2017

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objections
2. For katcha Peshi
3. For hearing of MA No 14989/2017

06.02.2018.

Mr. Aijaz Chandio Advocate for the petitioners a/w petitioners
Mr. Mohsin Raza Gopang Advocate files power on behalf of
respondent No.4
Mr. Muhammad Ismail Bhutto Asstt:A.G
Syed Meeral Shah Bukhari A.P.G a/w SIP Suba Khan P.S.Islamkot
District Mithi
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Petitioners present have stated that they have married with each other under valid Nikahnama dated 11.11.2017 available on record at page 29 of the case file. It appears from the record that before entering into marriage tie, petitioner No.1 Mst. Zarina has also executed an affidavit of free will on 01.11.2017 stating therein that nobody has abducted or kidnapped her. It is further stated by petitioner No.1 that due to this unceremonial marriage the private respondents are not happy and have registered false FIR bearing crime No.66 of 2017 at police station Islamkot U/s 365-B, 34 PPC, as such according to them local police want to arrest them in this case. The petitioner No.1 also denies that she has already married with respondent No.4 Maroo s/o Khamiso, therefore, under the circumstances, the argument of learned counsel for respondent No.4 with regard to the alleged marriage of petitioner No.1 with respondent No.4 namely Maroo is a disputed question of fact which cannot be taken into consideration in this constitutional petition. The respondent No.4 may take this plea with appropriate forum for redressal of his grievance.

Since the petitioners have categorically stated that they are living happily as husband and wife with each other, therefore, the Investigating Officer of Crime No.66/2017 of P.S.Islamkot is directed to record the statement of petitioner No.1 Mst. Zarina who is star witness of the prosecution case in the office of Learned Asstt:A.G and place the copy of the same before the learned Magistrate who shall have to pass an

appropriate order after hearing the parties, till then no arrest shall be made of the persons nominated in FIR No.66/2017 the official respondents shall strictly act in accordance with law.

The petition stands disposed of alongwith listed applications.

JUDGE

JUDGE

A.Rasheed