

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

C.P.No.D- 47 of 2018

DATE ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection.
2. For Katcha Peshi.
3. For hearing of MA 236/2018.

30.01.2018.

Mr. Muhammad Saleem Leghari, Advocate for petitioners alongwith petitioners.

Mr. Muhammad Hashim Leghari, Advocate for respondents No.5 & 6 and 8 to 10.

Mr. Muhammad Ismail Bhutto, Additional A.G. alongwith IO/Inspector Hussain Bux PS Chachro.

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It is stated by learned counsel for the petitioners that petitioner No.1 has contracted marriage with petitioner No.2 with her own free will and without any coercion or duress. On account of this marriage the parents of the petitioner No.1 (private respondents) have become antagonized and they have lodged a false FIR bearing Crime No.01/2018 at police station Chachro and the local police is harassing them. The petitioners are present in court, they submit that they are living together happily. Petitioner No.1 further submits that she has never married prior to this marriage with any person and she does not want to go with her husband. She further submits that protection may be provided to her and her husband.

Learned counsel for the respondents submits that prior to this marriage, the petitioner No.1 had married with respondent No.7 therefore, she is not entitled for any relief.

Be that as it may, since the petitioner No.1 has categorically stated that she has married with the petitioner No.2 with her own free will and under valid Nikahnama, available on record and she does not want to go with her father and she has also

executed her affidavit of free will in this connection that nobody has abducted or kidnapped her.

Under these circumstances, this petition is disposed of with direction to the official respondents to provide all legal protection of lives and properties of the petitioners in accordance with law. I.O. of the case present in court is directed to record the statement of petitioner No.1 (star witness of the incident) at her verbatim and after recording her statement a copy whereof be placed on record and another copy be filed before the concerned Magistrate for passing appropriate orders in accordance with law. Till then no arrest shall be made of the persons nominated in the aforesaid FIR. As far as the objection raised by learned counsel for the respondents is concerned, in this connection it is suffice to say that under the constitutional jurisdiction this court cannot go and resolve the controversy with regard to the double marriage of petitioner No.1. If the respondents have any grievance, they may approach the concerned Family Court for redressal of their grievance, if any.

JUDGE

JUDGE

Tufail