

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

C.P.No.D- 1754 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

1. For orders on office objections
2. For Katcha Peshi
3. For hearing of MA No.10101/2016

24.01.2018.

Petitioners are present
Mr.Muhammad Ismail Bhutto Asstt: A.G.
Syed Meeral Shah Bukhari A.P.G
None present on behalf of respondent No.5
--==

Syed Tarique Ahmed Shah has filed Vakalatnama on behalf of the petitioners which is taken on record.

Through this constitutional petition, petitioners have prayed for the following relief(s):-

- a) That, this Honourable court may be pleased to quash the FIR bearing Crime No.130/2016 U/s 365/B, 34 PPC at police station Airport Latifabad Section-A
- b) That, this Honourable court may be pleased to suspend the operation of FIR bearing Crime No.130/2016 U/s 365/B, 34 PPC of police station Airport Latifabad Section-A, directing the respondent No.3 to not affect the arrest of petitioners No.2 & 3, till pending decision of the rpresent petition.
- c) That, the respondents No.3 to 5 may be directed to not harass the petitioners, their parents and any of their family member/relative by declaring the same act as illegal, abinitio without jurisdiction.
- d) Any other relief which this Honourable court may deem fit, just and proper be granted.

It appears from the record that petitioners No.1 & 2 have contracted marriage of their own free will and choice and petitioner NO.1 who has attained the age of majority has categorically stated before the court that she has married with petitioner No.2 to her own accord without coercion or

pressure and that she wishes to be with her husband. Respondent No.5 (Nazeer Ahmed Bhatti) is father of petitioner No.1. it also appears that respondent No.5, father of petitioner No.1 being dissatisfied with the decision of his daughter has registered FIR bearing crime No.130/2016 U/s 365/B, 34 PPC at police station Airport Latifabad regarding abduction of petitioner No.1. The petitioner No.1 has categorically denied the allegations made in the said FIR. We have asked the question from petitioners No.1 & 2, whether they are living together happily, to which they replied in affirmative and further stated that FIR bearing crime No.130/2016 U/s 365/B, 34 PPC registered at police station Airport Latifabad is false, therefore, same may be quashed.

Since the petitioners No.1 & 2 have married with each other with their own free will and choice being major and sui juris, therefore, under the circumstances, we have again asked the question from learned APG and learned AAG, whether it is the fit case for quashment of the FIR, they replied in affirmative. This petition pertains to the year 2016, none is appearing on behalf of respondent No.5 and we have gone through the case diaries showing that petitioners are appearing before this court time and again without any substantial progress, either before this court or before the trial court. Therefore, under the circumstances and in view of the no objection of learned AAG and learned APG, we have reached to the conclusion that it is a case of quashment of FIR, therefore, this petition is allowed. Resultantly FIR bearing crime No.130/2016 U/s 365/B, 34 PPC registered at police station Airport Latifabad stands quashed. Copy of this order be communicated to the learned trial court.

JUDGE

JUDGE