

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.No.S-2164 of 2018.

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DATE

ORDER WITH SIGNATURE OF JUDGE

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For orders on M.A-326 of 2019.

11.02.2019.

Syed Babar Ali Kazmi, Advocate for the petitioner.

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Urgent application granted.

Through the instant Constitutional petition, petitioner seeks direction to the respondents No.2 and 3 to record the statement of the petitioner.

Learned counsel for the petitioner submits that petitioner's daughter namely Mst. Yasmeen married to respondent No.4 Shahnawaz and thereafter she was living with him. However, on 20.11.2018 petitioner came to know about some misshape that his daughter Mst. Yasmeen after taking intoxication has committed suicide. Thereafter, per counsel, her post-mortem was conducted at Taluka Hospital Sujawal and after her burial at Golarchi Graveyard, the petitioner approached the respondent No.3 for lodging F.I.R, but he flatly refused to lodge the same, and rather is pressurizing him to compromise with the accused who are influential persons. Per counsel, private respondents are continuously harassing the petitioner and he seeks direction to the concerned SHO to record the statement of the petitioner and in case from such statement a cognizable offence is made out then same be incorporated in 154 Cr.P.C. book.

Comments have been filed by the respondents No.2 and 3, wherein they have narrated that the daughter of the petitioner has committed suicide. It is also stated that the petitioner has not approached to them for redressal of his grievance. They further stated that in case the petitioner approached them legal protection will be provided to him.

Learned counsel for the petitioner submits that the petitioner seeks protection, however, his intention is to lodge F.I.R. in relation to the crime where his daughter has been murdered.

In the circumstances at hand, every citizen of Pakistan in case of commission of any cognizable offence has a right to get registered F.I.R. under section 154 Cr.P.C.

In view of above, since serious allegations of danger to petitioner's life as well as harassment are made in case the petitioner approaches the concerned District Court, therefore, by exercising Constitutional jurisdiction, this Constitutional petition is allowed. Let the petitioner approach the SHO P.S Jaati, District Badin, who shall record his statement and from such statement if a cognizable offence is made out, then he shall incorporate the same in 154 Cr.P.C book and investigate the matter further.

JUDGE

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