

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D- 143 of 2020

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DATE

ORDER WITH SIGNATURE OF JUDGE(S)

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1. For orders on office objection.
2. For hearing of main case.

05.03.2020

Petitioner Mst. Salma alongwith her husband Ishtiaq Ali Khoso is present in person, whereas her counsel called absent.

Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh alongwith Inspector Shahzaman Chandio SHO PS Shahpur and ASI Shahnawaz Ghanghlo Investigating Officer of Crime No. 06 of 2020 of P.S Shahpur.

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Learned AAG files comments of Respondents No.3 to 5, which are taken on record.

It is stated by Petitioner Mst. Salma alias Sanam that she being *sui juris* has contracted marriage with Ishtiaq Ali Khoso on 01.02.2020 under valid Nikahnama; that on the same date she has also sworn an affidavit of freewill, stating therein that nobody has kidnapped / abducted her and by exercising the right of free will she entered into marital bond with said Ishtiaq Ali Khoso. She further stated that due to said un-ceremonial marriage, private Respondent No.6, who is her brother, became annoyed and lodged a false FIR against her husband Ishtiaq Ali and others being Crime No.06 of 2020 at Police Station Shahpur District Matiari, under section 365-B PPC. She also states that due to said F.I.R, local police is causing harassment to her as well as her husband. She prays for quashment of said F.I.R as well as protection.

Be that as it may, petitioner present in court submit that she has married with Ishtiaq Ali Khoso and is living with him as husband and wife happily but local police at the behest of private Respondent No.6 is harassing them. SHO as well as I.O. of the case present in court submit that neither they have harassed the petitioner and her husband nor intend to do so. We have specifically asked question from the Petitioner whether she wants to join her brother, she has denied; on the contrary, she submits that she intends to go with her husband Ishtiaq Ali Khoso.

Under these circumstances, I.O. of the case is directed to record the statement of the petitioner in the office of Additional Registrar of this Court u/s 161 Cr.P.C and after placing its copy on the file of this case submit the same before the concerned court for passing appropriate orders. However, it is made

clear that I.O. shall not arrest the person(s) nominated in the aforementioned F.I.R including husband of the Petitioner Ishtiaq Ali, till final orders passed by the Magistrate concerned.

The petition stands disposed of in the above terms alongwith pending application(s), if any. SHO as well as I.O of the case present are directed to make sure that there should be no harassment to the Petitioner as well as her husband.

JUDGE

JUDGE

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