

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

C.P. No.S-197 of 2020

Sht. Marvi	-----	Petitioner
	Vs.	
The Province of Sindh & others	-----	Respondents

Date of Decision: 10.08.2020

Mr. Fakhur din Dahraj, Advocate for Petitioner
Mr. Muhammad Raheem Gaju, Advocate for Respondents 6 & 7.
Mr. Allah Bachayo Soomro, Addl.A.G. along with SSP Sanghar.

ORDER

ADNAN-UL-KARIM MEMON, J. - By filing this writ petition, attention of this Court has been drawn towards problem of missing of persons, who could not be traced despite efforts made by their nears and dears. The petitioner namely Sht. Marvi has prayed for issuance of direction to the official respondents to ensure safe recovery of her daughter namely Seetan (aged about 14 years).

Learned A.A.G. has pointed out that though the police officials have tried their level best to locate the whereabouts of her daughter but could not succeed, however, they are ready to cooperate with the petitioner in case she provides any concrete evidence with regard her whereabouts and then they will act strictly in accordance with law.

The allegations against the Respondents 6 & 7 are that on 16.5.2020 at about 12:00 a.m. they entered petitioner's house kidnapped her daughter and taken her to some unknown place.

I have noticed that it is the usual practice as and when missing report is made, the police officials enter only a Daily Diary Report and not register an FIR. This practice has been deprecated by this Court in various orders passed from time to time observing that such a procedure is not correct and justified. Under the circumstances, this Court directs the official respondents that as and when any report is made regarding missing of any individual, immediately an

FIR should be registered. They are required to monitor the entire process of tracing out the missing individuals so that criminals may not escape with the minor/ person.

I have also noticed that notices were issued to the Respondents as well as learned A.A.G. On 27.07.2020 SHO PS Khahi filed statement wherein he denied the detention of the detainee within the jurisdiction of police station Khahi, hence SSP Sanghar and SHO PS Khahi were directed to recover the alleged detainee and produce before this Court and in case of non-recovery both the officials were directed to appear in person along with explanation.

Today SSP Sanghar along with SHO PS Khahi is present and submit that as per their report, the Petitioner along with her family has shifted from the jurisdiction of police station Khahi to Hari Camp Colony Azad Nagar Hyderabad and as per Petitioner on 16.5.2020 her house was trespassed by Respondents 6 and 7 along with un-identified persons and kidnapped her daughter, hence the Petitioner is now residing within the jurisdiction of SSP Hyderabad and if direction is given to SSP Hyderabad to get the FIR registered at concerned police station, they are ready to co-operate with the investigation of such FIR and shall take every effort to recover the alleged detainee. Be that as it may, I am only concerned with the safe recovery of alleged detainee before the next date of hearing.

In view of the forgoing, the hearing of this petition is adjourned to 24.08.2020. In the meanwhile SSP Hyderabad and Sanghar are directed to cooperate with the petitioner and locate the whereabouts of her daughter namely Sht. Seetan and take prompt steps against the culprits in accordance with law. Let a copy of this order be transmitted to the SSP Sanghar and Hyderabad for compliance.

JUDGE