

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-3233 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE.
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1. For order on office objections
2. For hearing of main case

07.10.2020.

Mr. Liaqat Ali, Advocate for the petitioners a/w petitioners.
Mr. Ali Haider Saleem DPG
Mr. Muhammad Yousif Rahpoto, Assistant A.G. a/w I.O. SIP
Ghulam Nabi, P.S. Mirpur Bathoro.

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I.O. is present and submits that in the light of statement of petitioner No.1 reiterating her marriage with petitioner No.2 out of her free will, he disposed of the case bearing crime No.84/2020 U/s 365-B, 34 PPC of P.S. Mirpur Bathoro under "C" class and released the accused u/s 169 Cr.P.C. However when such report was submitted before the learned Magistrate, he passed an order calling both the parties through I.O.

Learned counsel for petitioners submits that the order passed by learned Magistrate is not sustainable in law as he could either agree or disagree with the report and hearing the parties to make up his mind over findings of I.O. at the time of submission of challan is not provided under any law. He further submits that the petitioners have apprehension to life and cannot go to their native place and before the learned Magistrate for recording statement. Petitioner No.1 is present and has reiterated the factum of her free will marriage with petitioner No.2.

We agree with the contentions of learned defence counsel that the learned Magistrate could either to agree or disagree with the report submitted u/s 173 Cr.P.C. and that hearing of the parties particularly in this matter replete with unknown implications leading to some untoward incident was not justified nor otherwise is required in law. In any case, we in the light of statement of petitioner No.1 quash the FIR and the proceedings arising out of it.

Petition stands disposed of in the above terms.

Let a copy of this order be communicated to the learned Magistrate through learned Sessions Judge, Thatta, for his perusal.

JUDGE

JUDGE