

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

Criminal Miscellaneous Application No.S-754 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	<ol style="list-style-type: none">1. For orders on M.A. No.9402/2020.2. For orders on office objections.3. For orders on M.A. No.9403/2020.4. For hearing of main case.

22.12.2020

Mr. Ghulam Ali Mughal, Advocate for the applicant.

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Urgency granted.

It is a case of the applicant that the proposed accused abducted his minor daughter Mst. Sana and then managed her *Nikah* with Ali Raza. In these circumstances, he sought for directions against the police to record his F.I.R by making an application under section 22-A&B Cr.P.C. it was dismissed by learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace Dadu, such order is impugned by the applicant before this Court by way of instant Criminal Miscellaneous Application under section 561-A Cr.P.C.

It is contended by learned counsel for the applicant that Mst. Sana was a minor, as such, her *Nikah* with Ali Raza was illegal and in violation of law prescribed under Sindh Child Marriages Restraint Act, 2013, therefore, learned Ex-Officio Justice of Peace at Dadu ought not to have refused issuance of directions for recording of F.I.R of the applicant for the above said incident, by way of impugned order which is illegal and is liable to be set-aside after notice to other side.

I have considered the above arguments and perused the record.

As per report which was furnished by police before learned Ex-Officio Justice of Peace at Dadu that Mst. Sana had married of her own accord with

Ali Raza and she on having been produced before learned IVth Additional Sessions Judge at Shaheed Benazirabad, on application filed under section 491 Cr.P.C declared her age to be 18 years. In these circumstances, the allegation of her abduction and/or her marriage being minor obviously has come to an end, therefore, learned Ex-Officio Justice of Peace at Dadu by believing the report of the police was right to refuse issuance of directions against the police to record F.I.R of the applicant by way of impugned order, which is not calling for any interference by this Court by way of instant Criminal Miscellaneous Application, it is dismissed in *limine* together with the listed application by putting the applicant at liberty to file a direct complaint of the alleged incident before the Court having jurisdiction if, he is still having a feeling that Mst. Sana is abducted and/or had married being minor, if so is advised to him.

JUDGE

Muhammad Danish Steno*