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IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D-2767 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection.
2. For hearing of M.A-12727 of 2019.
3. For hearing of main case.

16.01.2020

Mr. Sikandar Ali Jamali, Advocate for Petitioners, alongwith the Petitioners.

Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh alongwith Inspector Gulzar Ali Abro SHO and SIO / ASI Imtiaz Ali Mangi of Police Station Dokri District Larkana.

Complainant Abdul Sattar (Respondent No.5) and Mst. Shamina, brother and mother of Petitioner No.1 present in person.

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Mr. Mohsin Ali Memon Advocate files Vakalatnama on behalf of Respondent No.5; whereas learned AAG files comments / statements of Respondents No.2, 3 and 4 alongwith certain documents, same are taken on record; copies of the comments / statements have been provided to learned counsel for Petitioners.

It is stated by learned counsel for the petitioners that petitioner No.1 being *sui juris* has contracted marriage with petitioner No.2 on her own freewill and without any pressure or coercion from any quarter but against the wishes of her parents; that on the same date viz 10.12.2019 petitioner No.1 has also executed an affidavit of freewill, stating therein that nobody has kidnapped / abducted her (photocopies of Nikahnama and affidavit of freewill are annexed with the memo of petition); that due to this un-ceremonial marriage, private respondent No.5, who is brother of petitioner No.1 being antagonized lodged a false FIR against petitioner No.2 and his relatives bearing Crime No.46 of 2019, under sections 365-B and 496 PPC at Police Station Dokri. He prays for quashment of said F.I.R.

Petitioner No.1 present in court while affirming the contention raised by their counsel, submits that after such marriage she is living with her husband (Petitioner No.2) happily but local police under the garb of aforementioned F.I.R, which is false one, are harassing them. SHO and I.O. of the case present in court submit that neither they have harassed the petitioners nor intend to do so. We specifically asked question from Petitioner No.1 whether she wants to meet her mother and brother, who are present in Court, she has denied.

Admittedly, the Petitioner No.1 has married with Petitioner No.2. In these circumstances, I.O. of the case is directed to record the statement of petitioner No.1 in the office of Additional Registrar of this Court u/s 161 Cr.P.C and one copy be placed on the file of this case and another copy be submitted before the court of concerned Judicial Magistrate for passing appropriate orders. Till then, I.O is directed not to arrest any person nominated in the aforementioned F.I.R including Petitioner No.2. It is further directed that no harassment shall be caused to the Petitioners.

In view of above, counsel for the petitioners is satisfied and does not want to proceed further with this petition.

Accordingly, instant petition stands disposed of in the above terms alongwith listed application.

JUDGE

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