

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

C.P. No.D-370 of 2013.

DATE	ORDER WITH SIGNATURE OF JUDGE
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10.4.2013.

Mr. Ghulam Abbas Dalwani, Advocate a/w petitioners.
Mr. Allah Bachayo Soomro, Addl. A.G. a/w ASI Jan Muhammad, P.S. Tando
Ghulam Ali and ASI Malik Muhammad, Tando Jan Muhammad.

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Through instant petition, petitioners have alleged harassment by the police at the instance of private respondents.

It has been stated in the petition that petitioner No.1 namely Mst. Shumaila (Ex. Name Sonia) d/o Misri Kolhi being sui juris after having embraced Islam has contracted marriage with petitioner No.2 Abdullah s/o Muhammad out of her own free will and without any pressure or coercion from any corner, which has antagonized the uncle of the petitioner No.1 and also the private respondents who are causing harassment, whereas there are threats to the lives of the petitioners. Petitioner namely Mst. Shumaila present in court has reiterated the contents of petition as referred to hereinabove.

Pursuant to court notices Mr. Allah Bachyo Soomro learned AAG filed comments on behalf of Respondents No.1 to 4 alongwith annexures, which have been taken on record and copy supplied to the counsel for the petitioners.

Mr. Hussain Bux Solangi, Advocate has filed power on behalf of private respondents, which is taken on record.

In the comments filed by police officials, it has been stated that an FIR No.26/13 was registered under sections 365-B,506/2, 337-H(ii) and 34, PPC which was recommended by the police to be disposed of in 'C' class and a report in this regard was filed before the concerned Magistrate, who vide order dated 15.3.12 has disposed of the aforesaid FIR in 'B' class and has also directed for initiating proceedings under section 182, PPC against the complainant.

Learned counsel for the private respondents has submitted that since the respondents are hindus whereas Mst. Shumaila (ex. Name Sonia) was also hindu, who was taken away by petitioner No.2, therefore, the said FIR was lodged. However, it has been stated that since the petitioner No.1 has stated in court that she has embraced Islam and has contracted marriage with petitioner No.2 Abdullah out of her own free will and without pressure or coercion by any corner and she was not abducted by any one, therefore, the respondents, who are present in court, do not want to proceed against petitioners and have no objection if the petitioner No.1 wants to live with the petitioner No.2. However, it has been stated by the learned counsel that since the learned Magistrate vide order dated 15.3.12 has directed the police to initiate proceedings under section 182,PPC against the complainant, therefore, he requests that operation of the aforesaid order to the extent of initiation of proceedings under section 182, PPC may be suspended.

Learned AAG does not oppose such request whereas counsel for the petitioners also concedes to such request and extends his objection if the order of the learned Magistrate in the aforesaid terms is suspended.

Though the order passed by the learned Magistrate as referred to hereinabove could have been assailed by the aggrieved person by filing a criminal miscellaneous application under section 561-A, Cr.P.C, however, in view of herein above facts and by consent of all the parties, the order passed by learned Judicial Magistrate-I, Matli dated 15.3.12 to the extent of direction to the police to initiate proceedings under section 182, PPC against the complainant is hereby suspended.

Instant petition is disposed of in above terms, whereas, petitioner No.1 is allowed to go alongwith petitioner No.2 and to lead her life as per her own choice. However, concerned police is directed to provide protection to the petitioners in accordance with law and to ensure that no harassment is caused to the petitioners in respect of their marriage.

This petition stands disposed of in the above terms alongwith listed application.

JUDGE.

JUDGE.