

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Misc. Appln. No. S – 1046 of 2018

Date	Order with Signature of Hon'ble Judge
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For hearing of main case

03.12.2019

Haji Shamsuddin Rajper Advocate for the Applicant
Mr. Nauman Fareed Shaikh Advocate for respondents 5 and 7
Mr. Khalil Ahmed Maitlo, DPG for the State
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Through instant Criminal Miscellaneous Application under Section 491 Cr.P.C, the applicant Mst. Fatima, has sought for recovery and production of her daughter Mst. Shumaila aged about 14 years, the alleged detainee.

2. Learned counsel for the applicant contends that the alleged detainee has been abducted by one Munir Ahmed and has contracted forcibly marriage with her and since then the detainee is in wrongful confinement of the private respondents; that there is apprehension to her life, if she remained in captivity of the private respondents.

3. Learned counsel appearing for the private respondents as well as learned DPG for the State have contended that the detainee is not under the confinement of the private respondents, whereas, she with her own accord and freewill has contracted marriage with the private respondent No.5 / Munir Ahmed and she is living happy life with him and there is no apprehension to her life, hence they prayed for dismissal of the instant Criminal Miscellaneous Application.

4. I have heard the learned counsel for the respective parties and perused the record. Admittedly, the alleged detainee Mst. Shumaila being sui-juris has contracted love marriage with respondent No.5 / Munir Ahmed with her own accord will and wish. Learned counsel for the private respondents has placed on record copy of free will affidavit dated 13.03.2018, nikahnama of the detainee

with respondent No.5 / Munir Ahmed as well as FIR Crime No.72/2018 lodged by father of the detainee namely Lal Dino at Police Station Kotdiji regarding abduction of the detainee against the respondent No.5 and others, copy of order dated 10.05.2018 passed in C P No.D-847/2018 filed by the alleged detainee and respondent No.5 seeking protection before this Court. Since the detainee is living happy married life with her husband Munir Ahmed / respondent No.5, therefore, she is not under wrongful confinement and there is no need to call the alleged detainee in the present matter. Accordingly, instant Criminal Miscellaneous Application is dismissed.

Judge

ARBROHI