

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D- 250 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For hearing of main case.

31.03.2022

Mr. Poonjo Ruplani, Advocate for the petitioners.

Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh.

Ms. Rameshan Oad, A.P.G.

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Through instant petition, petitioners have sought quashment of the proceedings emanating from FIR No.36 of 2022, registered at Police Station Badin, under sections 365-B, 34 PPC, on the ground that it has been lodged falsely and without any substance.

Pursuant to direction contained under order dated 03.03.2022, I.O of the case has recorded the statement of the petitioner No.1 Mst. Mariyam (alleged abductee), which is available on record. Perusal of such statement, it appears that petitioner No.1 contracted marriage with petitioner No.2 on her own free will and choice without any coercion or pressure. She is the only star witness of the case as being alleged. In her said statement petitioner No.1 has categorically stated that case of her abduction (subject FIR) is false, fabricated and has been lodged by her parents without any substance as they are being enraged on account of her free will marriage with petitioner No.2.

Learned A.A.G as well as learned A.P.G submits that since the alleged abductee (petitioner No.1) in her above referred statement has categorically stated that subject FIR is false and fabricated, hence the proceedings emanating from said FIR may be quashed and the instant petition may be disposed of.

Under these circumstances, when star witness (petitioner No.1) is not supporting the prosecution case there will be no chance that prosecution if trial commenced, could succeed to prove its case without shadow of doubt hence keeping the subject case alive would amount to abuse of process of law. Accordingly, the proceedings emanating from FIR No. 36 of 2022, registered at Police Station Badin, under sections 365-B, 34 PPC are hereby quashed.

Petition stands disposed of in above terms. Official respondents shall provide protection to the petitioners as and when they approach them, however, in accordance with law; and, further ensure that no harm is caused to them especially, at the hands of private respondents.

JUDGE

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