ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-5270 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Priority.

- 1. For hearing of Misc. No.22905 of 2019.
- 2. For hearing of main case.

20.09.2019

Mr. Imdad Ali Channa, advocate for the petitioners a/w petitioners.

Mr. Mukesh Kumar G. Karara, advocate for respondent No.7.

Mr. Hakim Ali Shaikh, Additional Advocate General, Sindh.

Mr. Hussain Bux Baloch, Deputy Prosecutor General along with SIP Aijaz Jiskani of Police Station Rohri, Sukkur, SIP Hashim Brohi of

Police Station Thana Bola Khan & ASI Gul Mohammad.

Salahuddin Panhwar, J: The Investigating Officer has recorded the statement of Petitioner No.1 [Dua Fatima], who is present in Court, contends that she has contracted marriage with petitioner No.2 [Afaq Ali Bhatti] on her freewill and choice without any pressure or coercive and they are passing their matrimonial affairs happily together.

- 2. Admittedly, petitioner No.1 was 'Hindu' and she has impressed Islam as well. On account of this, her parents were antagonized and they have lodged false and fabricated FIR, also attacked the house of her husband and family members were beaten, whereas, learned counsel for respondent [parents] apprehends that in case, if any dispute or divorce, arises between the petitioners in future, she will not be in a position to live independently without the support of any male member; that parents are always in accepting her her decision of changing religion and that of contracting marriage on her own free will and choice though they, being sui juris, are competent to do contract/ marriage. According to him that on any account, if petitioner No.2 does not support to petitioner No.1 then who will be the responsible to look after her.
- 3. Petitioner No.2 (husband), who is present in the Court, undertakes that he will not object with regard to her visitation with her parents as well; that he will ensure her regular study and job if she intends to do so.
- 4. Since, owing to the statement of star petitioner No.1 [Dua Fatima, alleged abductee in FIR], the version (allegation) of FIR stands negated hence further proceedings would be nothing except abuse of the process of law,

hence same are quashed with further directions to official respondents that they shall ensure legal protection to the petitioners and shall submit report before the Lady Magistrate/Judicial Judge Sukkur City, who shall ensure that_

- (i) That petitioner No.1 is safe and as well shall examine that there is no a single circumstance or disturbance.
- (ii) That petitioner No.1 is regularly studying.
- (iii) That ensure petitioner No.2 is looking after petitioner No.1.
- (iv) That petitioner No.2 at this juncture, contends that besides his studies, he is running his business of Cars, therefore, he is able to borne all expenses of petitioner No.1.

In case learned Magistrate apprehends or suspects that petitioner No.1 is not comfortable, then Judicial Magistrate would be competent to appoint any *lady* advocate or *herself* visit the house of the petitioner so as to verify that she (*petitioner no. 1*) is not a victim of any act or omission which is, *otherwise*, cognizable within the meaning of *domestic violence Act*. If circumstances so demands, the *Magistrate* shall act accordingly thereby taking all available legal measures with regard to safety and proper maintenance of the petitioner No.1. Needless to mention that Police SHO shall ensure that law order situation is maintained by both the parties.

Accordingly, instant petition is disposed of in the above terms.

JUDGE

JUDGE

Qurban /P.A*