

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D- 1030 of 2022

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DATE ORDER WITH SIGNATURE OF JUDGE(S)

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1. For orders on office objection.
2. For hearing of M.A- 3565 of 2022.
3. For hearing of main case.

26.04.2022

Mr. Nisar Ahmed Chandio, Advocate for petitioners, alongwith the petitioners.

Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh alongwith SIP Moazzam Ali Siddiqui on behalf of SSP Jamshoro, SIP Shah Muhammad Laghari SHO P.S Jhangara and ASI/I.O of the case Hamz Ali of P.S Jhangara.

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Learned A.A.G files statements/comments of respondents No.2 and 3, taken on record and a copy whereof is provided to learned counsel for the petitioners.

Through instant petition, petitioners have sought quashment of the proceedings emanating from FIR No.19 of 2021, registered at Police Station Jhangara, under sections 365-B and 496-A PPC, on the ground that it has been lodged falsely without any substance.

Pursuant to direction, I.O has recorded the statement of petitioner No.1/victim (alleged abductee), which is taken on record. Perusal of such statement reveals 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 father (respondent No.4) as they are enraged on account of her aforementioned free will marriage with petitioner No.2.

Under these circumstances, when star witness (petitioner No.1) being alleged abductee is not supporting the prosecution case/FIR there will be no

chance that prosecution if trial commenced, could succeed to prove its case hence keeping the FIR alive would amount to abuse of process of law. Accordingly, the proceedings emanating from FIR No. 19 of 2021, registered at Police Station Jhangara, under sections 365-B and 496-A PPC, are hereby quashed.

Petition stands disposed of in above terms. Official respondents are directed to 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

JUDGE

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