

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-3681 / 2022

Date Order with signature of Judge

For hearing of main case.

27.06.2022.

Mr. Nawabuddin Shar, Advocate for Petitioner.
Mr. Waqas Ahmed Khan Advocate for Respondent No.6
Mr. Ali Safdar, Assistant Advocate General Sindh.
ASI Muhammad Ali P.S. Patiyari, Hyderabad.
Mst. Ume-e-Hani Petitioner present in Court.

Learned Counsel for Respondent No.6 has filed comments and he has argued that Petitioner No.1 is underage; hence, the marriage is not permissible in terms of Sindh Child Marriages Restraint Act, 2013 and orders be passed accordingly.

However, the present Petition is only to the extent of quashment of FIR No. 42/2022 registered under Sections 365-B, 34 PPC at P.S. Patiyari, Hyderabad regarding alleged abduction of Petitioner No.1 by the persons nominated in the FIR.

Notice was ordered and today the investigation officer on our directions has recorded the statement under Section 161 Cr.P.C. of petitioner No.1. She in her statement has stated that neither she has been kidnapped nor has been coerced to enter into marriage with Aftab Ali, whereas, she has also been confronted by us as to her statement in Court and she affirms contents of her statement.

In view of the above, while disposing of this Petition, we direct the concerned I.O. to file her statement along with his final report under Section 173 Cr.P.C before the concerned trial Court, who shall pass appropriate order in accordance with law. As to the argument of Respondents Counsel we may observe, that for that an appropriate remedy is available in law which can be availed by the said Respondents.

Insofar as, the petitioners and anyone else is concerned no arrest shall be made in the aforesaid FIR in respect of alleged abduction and no harassment shall be caused to the petitioners, whereas, necessary protection may also be provided to the petitioners in accordance with law.

Petition stands disposed of.

J U D G E

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Arshad/