

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

CP. No. S- 778 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objections
For hearing of main case

31.10.2022

Mr. Rao Faisal Ali advocate for petitioners.

Mr. Ghulam Shabbir Mari, Advocate files vakalatnama on behalf of respondent No.8 Syed Abid Ali, taken on record.

Mr. Allah Bachayo Soomro, Addl.A.G along with SHO/SIP Khuda Bux PS Taluka Mirpurkhas o/b DIGP and SSP Mirpurkhas, Inspector Sharif PS Phullali and SIP Ghulam Murtaza Addl:SHO Umerkot PS City.

Through this constitutional petition, petitioner No.1 Mst. Parah Shah has submitted that is a divorced lady and after performing Iddat period she left her parents' house and performed Nikah with petitioner No.2 and living with him with her own will and wish without any pressure and coercion and swore such free will affidavit; but, the official respondents at the behest of her relatives / private respondents, who being annoyed upon such marriage are causing harassment to them; therefore, they seek directions against official respondents to provide them protection as per law.

2. Learned Additional Advocate General, Sindh has denied the allegations leveled in the petition and stated that official respondents will act strictly in accordance with law.

3. Today Mr. Ghulam Shabbir Mari, Advocate has filed vakalatnama on behalf of respondent No.8 Syed Abid Shah who is father of petitioner No.1 submits that the petitioner in existence of her first marriage has contracted second marriage with petitioner No.2 without getting divorce from her first husband.

4. Heard learned counsel for the parties and perused the record.

5. Since the petitioners simply seek protection against the police officials, who allegedly are extending threats of life to the petitioners at the behest of private respondents; and learned AAG has candidly agreed that no harassment shall be caused to the petitioners; because of such statement, the

petitioners are being treated as aggrieved persons within the ambit of Article 199 of the Constitution of Islamic Republic of Pakistan.

6. Primarily, this is a free and democratic country, and once a person becomes major he or she can marry whosoever he / she likes; if the parents of the boy or girl do not approve such inter-caste or inter-religious marriage the maximum they can do is they can cut off social relations with the son or daughter, but they cannot give threats or commit or instigate for acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. I, therefore, direct that the administration / police authorities will see, if any boy or girl who being major undergoes inter-caste or inter-religious marriage with a woman or man who is major, the couple is neither harassed by anyone nor subjected to threats or acts of violence and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action will be taken against such person(s) as provided by law. However, the above observation is without prejudice to the legal rights of the parties, if any, pending before the competent court of law; so far as the issue of underage if any is concerned the same shall be taken care of by the competent forum under the law.

7. In view of the above, by consent of learned A.A.G., the captioned petition is disposed of with direction that the married couples are at liberty to live together and no person shall be permitted to interfere in their peaceful living. In case any disturbance is caused them, they shall approach the concerned Senior Superintendent of Police or Superintendent of Police with a copy of this order, who shall provide immediate protection to them. So far as the issues of second marriage and other ancillary matters are concerned the same shall be looked into by the concerned court.

JUDGE