

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

CP No. S- 337 of 2021

Ms. Zaib-ul-Nisa and another v. Province of Sindh and others

CP No. S- 519 of 2021

Mst. Gulshan and another v. Province of Sindh and others

CP No. S- 594 of 2021

Mst. Zainab and another v. Province of Sindh and others

CP No. S- 656 of 2021

Mst. Afsana and another v. Province of Sindh and others

CP No. S- 657 of 2021

Mst. Rehana and another v. Province of Sindh and others

CP No. S- 327 of 2022

Mst. Kanwal and another v. Province of Sindh and others

CP No. S- 396 of 2022

Mst. Kulsoom and another v. Province of Sindh and others

CP No. S- 614 of 2022

Mst. Haseena and another v. Province of Sindh and others

CP No. S- 621 of 2022

Mst. Salma and another v. Province of Sindh and others

M/s. Nouman Sahito, Ghulam Hyder Shah, Anwar Hussain Memon,
Advocate for petitioners

Mr. Allah Bachayo Soomro, Addl.A.G. along with insp. Saifullah
Bughio, SHO PS Sakrand, ASI Abdul Ghafoor & WHC Bhagomal PS
Sekhat & Insp. Tufail Shaikh for SSP Tando Muhammad Khan & ASI
Ghulam Ali for SHO PS Shaikh Bhirkio

Date of hearing and order: 29.8.2022

ORDER

ADNAN-UL-KARIM MEMON, J. - Through instant petition, the petitioners have prayed for direction like mandamus directing the official as well as private respondents not to interfere in their peaceful matrimonial life. The petitioners claim to be adults and married to each other of their free will, and for that, they are being threatened and harassed; and in view of the common grounds taken by the petitioners all the captioned petitions are taken up together and disposed of.

2. Learned counsel for the petitioners submitted that the petitioners are major and have solemnized marriage with each other according to Muslim Rites and Custom.

3. Mr. Allah Bachayo Soomro, learned Additional. A.G. has categorically stated that no harassment shall be caused to the petitioners and the police officials shall act strictly under law. Learned counsel for the petitioners seeks disposal of the aforesaid petition in terms of the statement of learned AAG.

4. I have heard some of the learned counsel for petitioners as well as learned AAG on the subject point of law.

5. I have noticed that some of the petitioners are not in attendance; and, as per learned counsels, due to alleged harassment caused by official respondents / police officials who in connivance with the private respondents are causing harassment to them. Be that as it may, since they simply seek protection against the police officials, who are allegedly extending serious threats of life to the petitioners; and learned AAG has candidly agreed that no harassment shall be caused to the petitioner; 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 the 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 a 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 is 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.

7. In view of the above, by consent of learned A.A.G., the captioned petitions are disposed of with direction that the petitioners are at liberty to live together and no person shall be permitted to interfere in their peaceful living. In case any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the concerned Senior Superintendent of Police or Superintendent of Police with a copy of this order, who shall provide immediate protection to the petitioners.

JUDGE