

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

C.P No.S-181 of 2023

1. For orders on office objection.
2. For hearing of main case.

25.05.2023.

Mr. Wajid Ali Khaskheli, advocate for petitioner.

Mr. Muhammad Yousuf Rahpoto, Assistant A.G.
Sindh.

Through instant petition, the petitioner seeks directions to the respondents No.2 / SSP Sanghar and respondent No.3 / SHO PS Sanghar to conduct a surprise raid at the house of respondent No.4 Sain Bux for searching, recovery and production of minor/detainee namely Aisha urf Ahsan alleging that she is under illegal confinement / detention of private respondent No.4.

2. Prior to this, the petitioner has also filed an application in terms of section 491 Cr.P.C. being Criminal Miscellaneous Application No.109 / 2023 before the learned Sessions Judge, Sanghar, which was dismissed by the learned Additional Sessions Judge-I (MCTC), Sanghar vide order dated 10.05.2023 [available at page-13 of the Court file]. For the sake of convenience, the relevant part of the order is reproduced as under:-

“According to application filed by the applicant, the alleged detainee has contracted marriage with the proposed accused No.1 with her own freewill, therefore, due to above marriage, the parents of detainee are annoyed over the parents and relatives of her husband party, and the alleged detainee is residing with her husband. The applicant has concealed real facts. As already discussed above, custody of detainee (wife) with husband cannot be termed to be illegal or improper. I am not minded to direct the S.H.O. to raid at the house of husband of the detainee and produce her before this Court. The insult which a family earns when a Police Officer/official raids at the house of respectable citizen cannot be imagined.

The record further shows that the applicant had also filed her 1st application No.102/2023 u/s 491 Cr.P.C. with same prayer,

which her application was disposed of as withdrawn on 05.05.2023.

In view of the above scenario, I am of the considered view that applicant has failed to make out any case for conducting raid at the house of husband of the detainee/proposed accused persons, therefore, application in hand merits no consideration is hereby dismissed in limine. The application stands disposed of accordingly.”

3. Learned counsel was when confronted as to how the custody of wife with her husband is illegal, to which, he could not reply satisfactory but contended that the alleged detainee may be recovered. However, he has failed to pin point any illegality or irregularity in the impugned order, which lead me to reverse the findings recorded in the impugned order. The impugned order is just, proper and speaking with detail reasoning, which does not warrant any interference by this Court. Consequently, instant petition merits no consideration, which is accordingly **dismissed**.

JUDGE