

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

**CP. No. S- 387 of 2023**

[Mst. Samina and another v. Province of Sindh & others]

**CP No. S- 411 of 2023**

[Mst. Ilman and another v. Province of Sindh & others]

**CP No. S- 416 of 2023**

[Mst. Kareema & another v. Province of Sindh & others]

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**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

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16.10.2023

M/s. Asif Ahmed Leghari, Aijaz Ali Bhutto & Sajjad Ali Gopang, Advocate for petitioners.

Mr. Allah Bachayo Soomro, Addl. A.G alongwith SIP Muhammad Hassan Abbas PS Jamal Shah & Insp. Manzoor Ali for SSP Hyderabad, ASI Sulleman PS Badin

Through these petitions, the petitioners simply seek directions to the official respondents not to cause any kind of harassment them and provide protection to them as provided under the law on the premise that they have contracted valid marriage under Muhammadan Law.

2. The grievance of the petitioners is that official respondents in connivance with private respondents are harassing them and interfering in their matrimonial affairs, without lawful justification, hence they have filed the instant constitutional petitions against the highhandedness of official respondents who are in league with private respondents.

3. Admittedly, these are the cases of harassment at the hands of police in connivance with private respondents. The meaning of word "harass" has been explained as "Injure and injury"; these words have numerous and comprehensive popular meanings, as well as having a legal import. A line may be drawn between these words and the word "harass" excluding the latter from being comprehended within the word "injure" or "injury". The synonyms of "harass" are: To weary, tire, perplex, distress tease, vex, molest, trouble, disturb. They all have relation to mental annoyance." In the Oxford Dictionary of New

Words, the meaning of the word "harassment" has been explained, which reads as "The subjection of a person to aggressive pressure or intimidation. "Harassment" should be interpreted as potentially producing some unreasonably adverse impact on the victim. The conduct should produce more than "worry", "trouble", "discomfort" or "unease" unless perhaps these are experienced to an extreme degree."

4. The main objectives of police is to apprehend offenders, investigate crimes, and prosecute them before the courts also to prevent the commission of the crime, and above all ensure law and order to protect citizens' life and property. The law enjoins the police to be scrupulously fair to the offender and the Magistracy is to ensure a fair investigation and fair trial for an offender. Unfortunately, these objectives have remained unfulfilled. Aberrations of police officers and police excesses in dealing with the law and order situation have been the subject of adverse comments from this Court as well as from other courts but they have failed to have any corrective effect on it. The police has the power to arrest a person even without obtaining a warrant of arrest from a court. The plenty of this power casts an obligation on the police and it must bear in mind, as held by this Court that if a person is arrested for a crime, his constitutional and fundamental rights must not be violated."

5. Learned Addl. A.G submits that no harassment shall be caused to the petitioners. His statement is tenable and these petitions are liable to be disposed of in terms of the statement of learned AAG; however, it is made clear that if there is any dispute of underage and/or conversion, second marriage, the same shall be dealt with by the competent court of law/forum and this Court will not travel into that dispute and leave it for the competent forum to redress the same, if approached by the aggrieved party under the law within a reasonable time. As far as police harassment issues are concerned, the SSP concerned has to see the matter and take prompt action under the law, if the petitioners approach them.

6. The Police Officers are required to protect and not abduct.

7. In view of the above, these petitions are disposed of with the direction to the police to act under the law and no harassment shall be

caused to the petitioners, besides no interference shall be made in their matrimonial affairs and the police shall be neutral in private affairs. However, if the private parties indulged in cognizable offenses police shall act under law.

JUDGE

Karar\_Hussain/\*