

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constt. Petition No.D-1337 of 2023

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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1. For orders on O/objection at flag-A
2. For orders on M.A No.5641/23.
3. For hearing of main case.

30.04.2024

Mr. Kiran Raees, Advocate for petitioners.
 Mr. Ubedullah Malano, Advocate for respondent No.5.
 Mr. Syed Sardar Ali Shah, Addl. Prosecutor General.
 Mr. Saeed Ahmed Wassan, AAG alongwith Saeed Ahmed Bhayo, DSP Pano Akil and ASI Dhani Bux on behalf of SSP Sukkur.

On 06.09.2023 petitioner No.1 Mst. Humera present and stated that she being sui juris contracted second marriage with Muhammad Zakir (petitioner No.2) on 31.05.2023 after completing her Idat period without any pressure, compulsion and coercion., after being divorced by her first husband namely Abdul Salam on 21.12.2022. She further stated that since she has contracted love marriage with petitioner No.2, her ex-husband and family members were very much annoyed and issuing threats for dire-consequences. She further stated that she has not been abducted or enticed away by anyone including the petitioner No.2; therefore, they have approached this Court for legal protection. As far as, impugned FIR No.57 of 2023, registered at P.S, Cantt. Pano Akil, District Sukkur under Section 365-B, 457, 506 and 34 PPC is concerned, she submitted that it is nothing but bundle of lies as it has been got registered by respondent No.4 only to exert illegal pressure upon her so that she get separation from petitioner No.2 and submits that said FIR may be quashed.

Mr. Ubedullah Malano, Advocate for respondent No.5 submits that petitioner No.1 in existence of her first marriage got second marriage therefore, she is not competent to enter into Nikah over Nikah. Since, objection raised by the counsel for respondent No.5 cannot be entertained to at this juncture as it requires evidence for which this forum is not competent. However, the respondent No.5 is at liberty to file proper application before appropriate forum, if so advised and all issues can be taken care of by the family Court if aggrieved party approaches as this Court has limited scope under Article 199 of Islamic Republic of Pakistan, 1973 to dilate upon subject issue.

The I.O. present in Court states that he would submit a report under Section 173, Cr.P.C, before the concerned Magistrate in the light of statement of petitioner No.1 for disposal of the case in accordance with law.

Learned counsel for petitioners being satisfied with the statement of the I.O. seeks disposal of this petition.

In view of above, the petition has served its purpose, therefore, stands disposed of.

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