

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

C.P. No.D-1023 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on urgency application.
For orders on office objections.
For orders on exemption application.
For hearing of main case.

06-06-2024

Mr. Hans Raj Naurang, Advocate along with the Petitioners.

Through the instant Petition, the Petitioners, who have contracted marriage, seek the quashment of FIR No. 238/2024, registered at PS Sakrand under Section 3/4 of the Sindh Child Marriages Restraint Act, 2013.

Learned counsel for the Petitioners contends that Petitioner No. 1, being *sui juris*, has contracted marriage with Petitioner No. 2 without any coercion or compulsion; that Petitioner No. 1, being 18 years old, is an adult and that the FIR lodged by her mother is false and fabricated. He further states that, at the moment, she has no documentary evidence to establish the fact that she is more than 18 years old; however, she can appear before the concerned Civil Surgeon for ascertaining her age.

Learned counsel for the Petitioners has not produced any record prima facie showing the age of Petitioner No. 1 as 18 years. The subject FIR has been recorded by police pursuant to the order dated 29.05.2024, passed by Additional Sessions Judge-VI/Ex-Officio Justice of Peace, Sakrand, in Criminal Misc. Application No. 1103/2024, filed by Mst. Waziran, widow of Anwar (mother of Petitioner No. 1), with direction to the SHO not to arrest the proposed accused persons until and unless sufficient incriminating material involving them in the commission of the offence is brought on record.

Under the circumstances, we dispose of this Petition by directing the Petitioners to approach the concerned SHO or I.O. and cooperate with them for the investigation of the aforementioned case. In case the Petitioners approach the concerned SHO or I.O., they shall collect evidence from the Petitioners in respect of the age of Petitioner No. 1 or otherwise shall produce Petitioner No. 1 before the concerned Civil Surgeon to ascertain her age.

The Petition stands disposed of in the above terms along with listed applications.

JUDGE

JUDGE

Irfan Ali