

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Miscellaneous Application No. S-469 of 2024
(Mst. Shehnaz Vs. SSP Sanghar & others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Date of hearings and Order: 13.08.2024

Mr. Yar Muhammad Mangrio advocate for the applicant a/w applicant.

Mr. Mir Muhammad Nohri advocate for respondents No.3 & 4.

Mr. Shahzado Saleem Additional Prosecutor General, Sindh, a/w Inspector
Abdul Khaliq Jilani SHO PS Jhol, District Sanghar

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ORDER

Adnan-ul-Karim Memon, J. Through this Criminal Miscellaneous Application, the applicant Mst. Shehnaz is seeking recovery of her minor children namely baby Umm-e-Laila & Master Zain Abbas allegedly detained by respondent No.03 to 05.

2. In compliance with the Order dated 01-08-2024, the minors have been produced; however, they are reluctant to go with their mother, but due to the attachment of the mother with the minor, the custody of Master Zain Abbas, aged about 04 years has been taken over by the applicant with the undertaking that as and when the father of the minor intends to visit him, she will not create hindrance. However, at the same time, the respondent father will allow the applicant to meet with her minors who are in his custody and both parties agreed to approach the Guardian and Wards Court for permanent custody of the minors.

3. Since this matter has been taken up, the welfare of the minors is required to be seen, which is the function of the learned Guardian and Wards Court.

3. It is well settled that proceedings under Section 491, Cr. P.C is not available for declaring any person as guardian or for determining all the questions relating to the custody of minor because the determining all the questions relating to the custody of minor because the final decision of regular

custody is to be decided in the proceedings initiated by the parties claiming the custody of the minor before the Guardian and Wards Court. I am of the view that the purpose of filing this Criminal Miscellaneous Application has been served as the minors have been produced before this Court are no more in illegal detention.

4. In the light of the facts and circumstances mentioned above, the instant criminal Miscellaneous Application has served its purpose, which hereby disposed of in terms of the statement of the parties.

JUDGE

"Ali Sher"