

**ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Const. Petition No.D-03 of 2024

Date of hearing	Order with signature of Judge.
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Hearing of Main Case(Priority)

- 1.For orders on office objections.
- 2.For orders on CMA 37/2024
- 3.For hearing of CMA 38/024
- 4.For hearing of main case.

30-01-2024

Mr. Javed Miandad, Advocate along with both petitioners.
M/s Aftab Ahmed Shar, Additional P.G & Agha Athar Pathan, Assistant
A.G a/w SIP/I.O Liaquat Ali of P.S, Halani.

Mr. Noor Hassan Malik, Advocate has filed power on behalf of
respondent No.5 and statement along with certain documents.

Petitioner No.1 present submits that she has contracted
marriage with petitioner No.2 with her freewill and choice and has not
been abducted by him, as alleged in the FIR. I.O present submits that
during investigation, complainant party took another stance and
submitted that petitioner No.1 was already married with one Aamir Ali,
who is, however, not even the complainant and did not come forward
to register FIR. According to I.O, complainant party also mentioned that
petitioner No.2 is foster brother of respondent No.1.

We have heard the parties. Petitioners have categorically denied
the allegations. Petitioner No.1 submits that she was not married
previously and even otherwise it is not even mentioned in the FIR.
Learned counsel for complainant has simply submitted that petitioner
No.2 is the foster brother of petitioner No.1, however, without
submitting any evidence to establish the same, even *prima facie*. I.O
also submits that no evidence in this regard was submitted before him
and simply on the word of complainant, he has submitted the Challan.

Since the petitioner No.1 has owned her marriage with
petitioner No.2 with her own freewill, the case under the provisions in
which Challan has been submitted, is not made out. Hence, proceedings

culminating out of FIR No.365 of 2023 registered at P.S, Hallani under sections 457, 365-B, 337H(ii), 147, 148, 149 PPC before the trial Court are quashed. However, if the complainant has any evidence to establish that petitioner No.1 was already married with one Aamir Ali, they can approach the Family Court for redressal of grievance, if they are advised so.

The petition along with listed application is **disposed of** in the above terms.

JUDGE

JUDGE

Ahmad