

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Crl. Misc. Application No.S-461 of 2024

(Mohib Vs. DIG Mirpurkhas & others)

DATE ORDER WITH SIGNATURE OF JUDGE

Date of hearing & Order 06.08.2024

Mr. Kuldeep Sharma, advocate a/w applicant.

Mr. Dhani Bakhsh Mari, Assistant P.G a/w SHO of PS Islamkot.

Mr. Osaf Rasool Shah, advocate a/w respondent No.10.

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ORDER

Adnan-ul-Karim Memon, J. Through this Crl. Misc Application, the applicant Mohib has sought the indulgence of this Court with the narration that the directions may be issued to the Police officials to recover the detainee Mst. Mehnaz, his wife, from the custody of private respondents.

2. In pursuance of the court order, the alleged detainee namely Mst. Mehnaz has been produced by SHO of P.S Islamkot along with a report and mashirnama of recovery. Learned counsel for the private respondents has denied the allegations and submitted that this Crl. Misc Application is not entertainable and liable to be dismissed. Be that as it may, Mst. Mehnaz has put her appearance and states that she has contracted marriage with the applicant Mohib and intends to go with him, such stance of the lady has been objected. Prima facie, the contention of the private respondents cannot be appreciated at this stage for the simple reason that Mst Mehnaz is an adult lady and knows her welfare, as such she cannot be compelled to live with the private respondent No.10 and she is a free woman to go wherever she wants to go.

4. I am of the view that purpose of filing this Crl. Misc Application is served as the detainee Mst. Mehnaz has been produced before this Court and her intention is to go with her husband Mohib, she is at liberty to choose her path. As the purpose of filing this Crl. Misc Application under section 491 Cr.P.C is served, hence the same stands disposed of accordingly.

JUDGE