

**IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

Constitutional Petition No.D-1265 of 2024
(Mst. Sonia Vs. P.O Sindh & others)

DATE ORDER WITH SIGNATURE OF JUDGE

Before
Adnan-ul-Karim Memon, J
Amjad Ali Bohio, J

Date of hearing and Order: 23.09.2024

Mr. Zulfiqar Ali Laghari, advocate for petitioner
Mr. Shahzado Saleem, Additional P.G Sindh
=

ORDER

Adnan-ul-Karim Memon, J. The petitioner Mst. Sonia has filed this Petition under Article 199 of the Constitution Islamic Republic of Pakistan, 1973, seeking directions to the official respondents not to harass her and quash the proceedings arising out of FIR No.12/2024 under section 365-B PPC at P.S Women Umerkot, District Umerkot.

2. Petitioner is present in court and states that she has contracted Marriage with one Moharram Ali with her free will and consent. She states that neither she has been kidnapped nor abducted; however, her mother has lodged FIR No.12/2024 with malafide intention portraying the drama of her abduction which story is false and managed one and in this regard she has recorded her statement before Investigating officer, however, he is reluctant to cancel the F.I.R without lawful justification.

3. The Investigating Officer is present and has recorded the statement of petitioner wherein she has reiterated the same facts.

4. I have heard learned counsel for the parties present in Court as well as learned A.A.G on the subject issue.

6. Primarily, this is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is they can cut off social relations with the son or the daughter, but they cannot give threats or

commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. However, the above observation is without prejudice to the legal rights of the parties, if any, pending before the competent court of law.

7. In view of the above, the petitioner is at liberty to live with her husband and no person shall be permitted to interfere in their peaceful living. In case any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the concerned Senior Superintendent of Police or Superintendent of Police with a copy of this order, who shall provide immediate protection to the petitioners. So far as the issue of underage marriage or any ancillary issue is concerned, this aspect can be looked into by the competent Court, if approached by the aggrieved party, keeping in view the observations recorded hereinabove.

9. In view of the above, this petition has served its purpose. Accordingly, the instant petition is disposed of in terms of statement of the Petitioner recorded by the Investigating Officer, who shall submit his report with the concerned Magistrate for appropriate Order. In the meanwhile, no harassment shall be caused to the petitioners, as well as no arrest shall be made in the subject crime.

10. The instant petition is disposed of along with the pending application.

JUDGE

JUDGE