

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No.D-6398 of 2024

Date	Order with signature of Judge(s)
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For orders as to maintainability of petition.

21.02.2025

Mr. Maqbool-ur-Rehman, Advocate for the Petitioner.
M/s. Hakim Ali Shaikh and Sagheer Ahmed Abbasi, Additional Advocates General Sindh.
Mr. Ali Hyder Saleem, Additional Prosecutor General Sindh along with SIO/Inspector Abrar Shah, SIP Yousuf Naimat and SIP Imam Bukhsh, all of P.S. Ibrahim Hyderi and DSP Raza Mian, Legal Branch, I.G. Office.

This Constitutional Petition is directed against the order dated 17.12.2024, whereby the learned Judicial Magistrate-XII, Malir, dismissed the Criminal Miscellaneous Application ("**the Application**") filed in relation to F.I.R. No.602/2024, registered at Police Station Ibrahim Hyderi, under Section 365-B PPC, by the petitioner/complainant seeking transfer of custody of the abductee Mst. Muskan to her parents.

Inspector Abrar Shah, SIO, PS Ibrahim Hyderi, is present and submits a report of SHO, PS Ibrahim Hyderi, which reflects that on the basis of the statement of the said abductee, recorded under Section 164, Cr.P.C., and the report of the ossification test, the Investigating Officer of the case has submitted the Final Report under Section 173, Cr.P.C., for disposal of the case under "C" class of Police Rules, which is pending decision before the learned Judicial Magistrate-XII, Karachi

Malir. Inspector Abrar Shah states that as per the ossification test, the age of the alleged abductee is 19 years.

Perusal of the impugned order shows that the age of the alleged abductee has been shown in the F.I.R. by the complainant as 17/18 years and as per Nikahnama, her age is 19 years. The abductee, in her statement, showed her willingness to go with her husband; hence, the learned Judicial Magistrate-XI, Karachi Malir, dismissed the Application.

It is the contention of the learned counsel for the Petitioner that as per the Family Registration Certificate issued by NADRA and the educational certificate of the abductee, she was born on 26.06.2007, hence she is less than 18 years; however, the learned counsel admits the fact that her age has been recorded in the F.I.R. as 17/18 years and as per the ossification report her age is 19 years, which ossification report has not been challenged by the Petitioner. Hence, this petition, being devoid of merit, is dismissed.

JUDGE

JUDGE

Tahseen/PA