

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. S- 51 of 2024
(Mst. Gulzadi and another v. SHO, PS, Nabi Shah Waggan & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Direction

1. For orders on office objection 'A'
2. For Hearing of main case.

Date of hearing and Order :11.03.2025

None present for petitioners.
Nemo for the private respondents.
Mr. Abdul Waris K. Bhutto, Asstt: AG for the State.

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ORDER

Adnan-ul-Karim Memon, J:- Gulzadi, and Moula Bux, Petitioners 1 and 2, respectively, entered into a marriage of their own volition, as documented in the nikahnama (Annexure 'A', page 15). This marriage has caused displeasure to Gulzadi's father, Muhammad Ramzan (Respondent 7), and her former husband, Shahid (Respondent 6). The petitioners claim they are being harassed by these private respondents and seek a court order preventing official respondents from engaging in or facilitating this harassment.

2. Learned A.A.G. present in Court seeks disposal thereof with the narration that no harassment shall be caused to the petitioners by the police officials. The petitioner's counsel has no objection. The suggestion seems to be reasonable and acceded to. It appears that this Court vide order dated 06.05.2024 in Crl.Misc.Appln.No.58/2024 observed that the respondent No.12 filed application under Section 491 Cr.PC for recovery of his daughter, baby Ayesha, aged about 03 years, from the custody of petitioner No.1, mother of minor baby Ayesha. The issue seems to be between the petitioners and the private respondents regarding custody of minor baby Ayesha, aged about 03 years, which can only be resolved by the learned Guardian and Wards Court, if issue still subsists. However, this Court only deals with the issue of harassment.

3. In view of such state of affairs, this Court is of the tentative view that this is a harassment case, emphasizing that harassment encompasses a broad range of harmful actions. This Court stressed the police department's responsibility, particularly the Senior Superintendent of Police (SSP), to address such issues. While the petitioners have a fundamental right to protection from both police and private harassment, this court clarified that the police retain full authority to act legally if either party commits a cognizable offense.

4. Article 4 of the Constitution guarantees everyone the right to be treated according to the law, which includes fairness and the elimination of any factors that obstruct legal processes. To uphold his right, this court directs the police to investigate the issue at their end, and the higher Courts have consistently condemned police harassment.

5. This Court is left with no option but to direct the SSP concerned to take a bond from the private respondents No.6 and 7 to the tune of Rs.500,000 (Five hundred thousand) each that no bodily harm shall be caused to the petitioners. Such bond shall be kept at the Police Station concerned. No bottleneck shall be created by petitioner No. 2, he is prohibited from preventing or hindering petitioner No.1 from meeting her parents if she wishes to do so.

6. In view of the above, this petition stands disposed of in the above terms.

