

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. S- 430- of 2024
(Mst. Saima and another v. SHO, PS Saddar Jacobabad & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Hearing of Cases

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

Date of hearing & Order: 11.03.2025

Mr. Zafar Ali Malgani, Advocate for the petitioner.
Nemo for the private respondents.
Mr. Abdul Waris K. Bhutto, Assistant A.G.

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ORDER

Adnan-ul-Karim Memon, J:- Learned counsel for the petitioners submits that petitioner Mst. Saima has contracted an unconventional freewill marriage with one Murtaza Jakhriani. Their nikah has been performed and presently they are residing in Mochi Basti Railway Tallah District Jacobabad. Due to such an unceremonious marriage, the father of the petitioner, namely Muhammad Anwar, had lodged the F.I.R. at the Police Station at Shah Latif Town vide Crime No. 1294 of 2024. However, under the garb of such F.I.R., the official respondents are harassing them at the behest of private respondents. Photocopies of nikahnama and affidavit of free will as well as a copy of F.I.R. have been placed on record.

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. However, if the criminal case is pending, the same shall be dealt with in accordance with the statement of the petitioner Mst. Saima. The investigating officer shall ensure the recording of her statement and the petitioners shall cooperate with the investigating officer, and the the result whereof shall be forwarded to the learned Magistrate for appropriate order.

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. In view of such state of affairs, this Court is left with no option but to direct the SSP concerned to ensure no harassment is caused to either party. 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.