

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

*Constitutional Petition No. D- 168 of 2026.*  
*(Mst Ramla and another vs. P.O. Sindh and others)*

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|-----------------|---------------------------------------|
| Date of hearing | Order with the signature of the Judge |
|-----------------|---------------------------------------|

Hearing of the case (Priority)

1. For orders on office objections.
2. For hearing of CMA No.555/2026 (S/A).
3. For the hearing of the main case.

**19.02.2026.**

Mr. Ghulam Sarwar Halepoto, Advocate, for Petitioners.  
Mr. Nisar Ahmed Kanasiro, Advocate for Respondent No. 5.  
Mr. Agha Athar Hussain, Assistant Advocate General.  
Mr. Gulzar Ahmed Malano, Assistant Prosecutor General, along with ASI Shafqat Ali Wasan, I.O P.S Kumb.

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The brief facts are that Petitioner No.1, Mst. Ramla contracted marriage with Petitioner No.2, Ghulam Qadir, of her own free will and consent. However, Respondent No.5, Sikander Ali (brother of Petitioner No.1), lodged FIR No.10/2026 at Police Station Kumb under Section 365-B, P.P.C., alleging abduction. The present petition has been filed seeking quashment of the aforesaid FIR and protection against harassment.

At the initial stage, notices were issued. On 02.02.2026, learned counsel for the complainant appeared and produced a birth certificate asserting that Petitioner No.1 was below the statutory age. Consequently, a Medical Board was constituted, and Petitioner No.1 was referred to Dar-ul-Aman, Sukkur, until the determination of her age. The said exercise has now been completed, and her age has been assessed as 17 years.

Learned counsel for the petitioners has relied upon case law of this Court as well as the Hon'ble Supreme Court, contending that once a girl has attained puberty, the same is to be considered for the purpose of determining the validity of marriage, and that the question

of statutory age as prescribed under the Sindh Child Marriage Restraint Act, 2013, loses significance. Conversely, learned counsel for the complainant has argued that Petitioner No.1 is underage and, therefore, the marriage is not legally valid.

Learned Assistant Advocate General and learned Assistant Prosecutor General submit that the FIR has been registered under Section 365-B, P.P.C., and the matter is still under investigation. It is contended that it is the exclusive domain of the Investigating Agency to determine, upon conclusion of the investigation, whether Section 365-B, P.P.C., or any provision of the Child Marriage Restraint Act is attracted. It is further submitted that until such determination, the life and liberty of the petitioner No.01 cannot be curtailed, particularly when Petitioner No.1 has been assessed to be 17 years of age.

Heard. Record perused.

It appears from the record that the matter is still under investigation. No forum can pre-empt the outcome of the investigation, which squarely falls within the domain of the Investigating Officer. The Investigating Officer is bound to conclude the investigation fairly, impartially, and strictly in accordance with law, and thereafter submit a report before the competent Court of law, keeping in view all relevant statutory provisions, if attracted.

Petitioner No.1 has sworn an affidavit stating that she was neither kidnapped nor abducted and that she contracted marriage of her own free will. She has not expressed any desire to go with her brother/complainant. In such circumstances, and particularly when the allegation in the FIR is confined to abduction, she cannot be compelled to reside against her wishes.

Accordingly, this petition is disposed of with the following directions:

- i. The Investigating Officer shall conclude the investigation strictly on its own merits and in accordance with the law,

and submit a report before the competent Court without being influenced by any observation made herein.

- ii. The official respondents shall protect the petitioners, as and when approached, and shall ensure that no harassment or detrimental action is taken against them except in accordance with law.
- iii. Petitioner No.1 is at liberty to go with Petitioner No.2.
- iv. The In-Charge, Dar-ul-Aman, Sukkur, is directed to release Petitioner No.1 forthwith after completing necessary formalities in accordance with law.

The instant petition stands disposed of in the above terms.

**JUDGE**

**JUDGE**

*S.Nawaz(St)'*