

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
*Constitutional petition No.D- 317 of 2026.*  
*(Mst. Zohra and another vs. The Station House Officer, Police Station*  
*Ubauro and others)*

Date of hearing	Order with the signature of Judge
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**For hearing**

1. For orders on office objections
2. For hearing of CMA No. 1143/ 26 (S/A)
3. For hearing of main case.

**05.03.2026.**

Mr. Khalid Hussain Abro, Advocate along with Petitioners.  
Mr. Abdul Sattar Thaheem, Advocate for Respondents  
Mr. Agha Athar Hussain Pathan, Assistant Advocate General.  
Mr. Imran Mobeen Khan, Asstt: Prosecutor General along with  
Inspector Ghulam Murtaza, I.O of P.S. Ubauro

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Through the instant Constitutional petition, the petitioners, namely Mst. Zohra Bibi and her husband Imran Khan, have called in question FIR No.27 of 2026 registered at the instance of Kashif-ur-Rehman, who is the brother of petitioner No.1. The said FIR has been lodged for offences punishable under Sections 452 and 365-B PPC read with the relevant provisions of the TIP Act, 2018. The primary contention of the petitioners is that petitioner No.1, Mst. Zohra Bibi contracted marriage with petitioner No.2, Imran Khan, of her own free will and wish, and that the said marriage was solemnized through a valid Nikah without any coercion or compulsion. It is further asserted that petitioner No.1 is a *sui juris* person and fully competent to decide her marital affairs.

In pursuance of notices issued by this Court, the Investigating Officer appeared before the Court and placed on record the statement of petitioner No.1, who has been shown as the alleged abductee in the impugned FIR. As per her categorical statement, she has stated that she was neither kidnapped nor abducted by anyone. She further stated that she contracted marriage with petitioner No.2 voluntarily and of her own free will, without any pressure or coercion from any quarter.

Another question that came under attention before this Court pertains to the age of petitioner No.1. In this regard, petitioner No.1 herself has claimed that she is about 19 years of age. Learned counsel for the petitioners submitted that in certain instances, due to prevailing customs and social practices, parents sometimes mention an incorrect or lesser date of birth in official documents to avail certain governmental benefits. According to the learned counsel, petitioner No.1 has already attained the age of puberty and, therefore, her marriage cannot be said to violate the law. In support of his contention, learned counsel for the petitioners has placed reliance upon the judgment reported as *Mst. Moj Ali v. Syed Safdar Hussain* (1970 SCMR 473). He has also referred to the judgment rendered by this Court in the case titled *Mst. Mehwish and another v. Province of Sindh and others* (C.P No.D-5865 of 2024), wherein it has been observed that under the principles of Muhammadan Law, the marriage of a minor cannot be declared invalid merely on the ground of minority if the person has attained the age of puberty. It has further been observed that the Dissolution of Muslim Marriages Act, 1939, also recognizes certain rights relating to marriage once the age of puberty is attained.

Having heard the learned counsel for the parties and having examined the material available on record, it appears that petitioner No.1 has categorically denied the allegation of abduction and has unequivocally stated that she contracted marriage with petitioner No.2 of her own free will. At the same time, the question regarding the exact age of petitioner No.1, if disputed by the complainant, is essentially a matter that may be examined by the competent forum in accordance with law.

In these circumstances, without expressing any conclusive opinion on the merits of the case, the instant petition is disposed of with the direction to the Investigating Officer to complete the investigation strictly in accordance with law. It is further directed that the police authorities shall ensure that protection is provided to the petitioners, if and whenever they approach the police for such purpose.

Furthermore, till submission of the report before the competent Court of law, no coercive action shall be taken against the petitioners in connection with the aforesaid FIR. Consequently, in view of the said observations, the instant petition is hereby disposed of.

*JUDGE*

*JUDGE*