

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
LARKANA

Criminal Misc. Appln. No. S-205 of 2025

Applicant	Ghulam Asghar Mugheri, Through Mr. Ghulam Yasin Junejo,
Private Respondents	Raheel and others  Through Mrs. Reshman Zangejo, advocate
State	Through Mr. Aitbar Ali Bullo, D.P.G for the State
Date of hearing	06-01-2026
Date of order	08-01-2026

**ORDER**

**MIRAM MUHAMMAD SHAH, J.** This Criminal Miscellaneous Application has been filed under section 561-A Cr.P.C. by the applicant/complainant, through counsel, whereby the order dated 23.05.2025 passed by the learned Civil Judge and Judicial Magistrate-III, Larkana, has been challenged. Through the impugned order, the learned Magistrate has accepted the final report/challan submitted under Section 173 Cr.P.C. by the Investigation Officer, recommending disposal of the case in “C” Class. The case, whose report was submitted in “C” Class, was registered as Crime No.30 of 2025 under Sections 365-B and 34 P.P.C. at Police Station Market, Larkana.

2. Relevant facts of the case are that the applicant/complainant Ghulam Asghar Mughari registered F.I.R U/S 365-B PPC regarding abduction of his daughter Banazir. As per contents of FIR, on 22.02.2025, his daughter went to School but did not return back to his house. The complainant received a call on same day by one lady that his daughter is in Sukkur. Lateron same mobile number went off. Therefore, complainant being father lodged FIR against unknown accused after two days

i.e on 24.02.2025. After registration of FIR, investigation was conducted by I.O, who visited the place of incident and recorded the statements of witnesses Assad Ali, Manzoor Ali and Mst. Haseena W/O Ghulam Qadir Mughari on next day of FIR. Investigating Officer recorded further statements of the complainant and his witnesses on 05.03.2025, who disclosed the names of four accused including two lady accused and mentioned that they have come to know that accused Raheel, 2.Jameel Ahmed both sons of Gulan Khan, 3. Ambreen D/O of Gullan Khan and 4.Mst.Rukhsana wife of Gulan Khan by caste Jaskani, all resident of Village Ali Wahan Taluka Rohri had abducted daughter of complainant, Banazir with intention to commit Zina and forcible Marriage. Perusal of Police papers further indicate that second further statement of complainant and his witnesses have also been recorded by Investigating Officer on 17.03.2025, wherein; they further disclosed four extra names in the matter. As per second further statements, complainant party came to know that accused Mst.Aneela, 2. Mst.Jameela, 3. Naila all three daughters of Gullan Khan Jaskani and 4.Altaf son of Ali Hassan Abro were also accused in abduction crime of Banazir. Police record further shows that Mst Banazir @ Sonia D/O Ghulam Asghar Mugheri and main accused Raheel son of Gullan Khan Jiskani appeared before High Court of Sindh Bench at Sukkur and filed Constitution Petition No.D-347/2025 against the complainant and the Police. The perusal of contents of Petition and Nikahnama available in Police papers further reflects that Mst. Banazir after leaving the house of her father/complainant, contracted marriage with main accused Raheel son of Gulan Khan Jaskani with her consent and the Investigating officer of the case Taj Muhammad Kumbhar recorded the statement of abducted lady Mst Banazir @ Sonia u/s.161 Cr.P.C on 06.05.2025, wherein, Mst. Banazir @ Sonia stated that she being adult had contracted marriage with Raheel on her own consent and freewill and the FIR bearing crime No. 30/2025 for her abduction registered by her father Ghulam Asghar is false one as she was not abducted by any one. The learned bench of this court at Sukkur vide order dated 06.05.2025 disposed of the petition and directed the I.O to file report under "C" class within 15

days. Thereafter in compliance of the said order, the I.O filed the report under “C” class before the Magistrate and the magistrate approved the said summary vide order dated 23.05.2025, which order has been challenged by way of filing this criminal misc. application.

3. Learned counsel for the applicant submits that the impugned order is contrary to law; the learned Magistrate has decided the case without any lawful authority and against the facts as the determination of age of the girl was essential at that stage and was overlooked by the learned Magistrate, asserting that the girl was a minor and cannot contract marriage and the said marriage falls within the ambit of the Sindh Child Marriage Restraint Act, 2013. He further contended that statement under section 164 Cr.P.C. was also not recorded by the Magistrate. He has prayed for setting aside the impugned order.

4. Learned counsel for the respondents has supported the impugned order and submits that impugned order does not suffer from any illegality or irregularity and is legal and validly passed; that the I.O has rightly submitted the summary under "C" class; that respondent No.15 was pregnant as a result of the said marriage and has already given birth to a baby boy and any act declaring the marriage as null and void at this stage, would further complicate the matter and adversely affect innocent lives. therefore, she has prayed that instant Criminal Miscellaneous Application may be dismissed.

5. The learned Deputy Prosecutor General has also supported the impugned order and submits that the case pertains to Section 365-B P.P.C., which relates to forcible abduction, and in light of the clear statement of the alleged abductee denying such allegations, the Investigation Officer was legally justified in recommending disposal of the case in “C” Class.

6. Heard arguments of the learned counsel for the applicant, learned counsel for the private respondents, as well as learned Deputy Prosecutor General, and perused the material available on the record.

7. As a consequence of the said F.I.R., the alleged abductee along with her husband Raheel (respondent No.4) filed Constitutional Petition No. D-347 of 2025 before the Division Bench of this Court at Sukkur, wherein she has categorically stated that she had not been abducted by anyone and that she had solemnized marriage of her own free will. She further stated that she was living happily with her husband of her own freewill. The learned Bench of this Court called the Investigation Officer of the above-mentioned F.I.R. and directed him to record the statement of the petitioner/alleged abductee under section 161 Cr.P.C. In her statement, recorded under the directions of this Court, she denied the allegations levelled in the F.I.R. Thereafter, the Investigation Officer submitted the said statement before the Court. The learned Division Bench, vide order dated 06.05.2025, while disposing of C.P. No. D-347 of 2025, made below observations after scanning the material on record.

“The investigation Officer of FIR bearing crime no.30/2025 of Police Station Market, District Larkana is present and on direction of this Court has recorded statement u/s 161 Cr.P.C of the petitioner No.1 namely Mst.Banazir alias Sonia wherein she denied the allegation of such FIR and supported the contentions made in the instant petition. I.O submitted such statement of Mst.Banazir alias Sonia, which is taken on record.

I.O further submits that after the statement of petitioner Mst. Benazir alias Sonia, he will file report by cancelling the case under "C" class. Such exercise shall be completed by the I.O within 15 days. After the statement of the I.O, the counsel for petitioners seeks disposal of the instant petition and prayed that legal protection may be provided to the petitioners. The petition is disposed of along with pending application.

8. The said order was challenged by the applicant/complainant before the Honourable Supreme Court of Pakistan through C.P.L.A. No. 895-K of 2025. The Honourable Supreme Court also disposed of the said petition with the observation that, since no specific directions were issued by the High Court, the question of challenging such an order did not arise. However, the Honourable Supreme Court further observed that respondent No.15, who was

present before the Court along with her husband, stated that they had contracted marriage on their own free will.

9. It appears that the applicant, after exhausting all available remedies and approaching all relevant legal forums, including the Bench of this Court at Sukkur and the Honourable Supreme Court of Pakistan, has once again approached this Court with an attempt to reopen an issue which has already been conclusively decided and settled by superior forums. The question of respondents No.4 and 15 contracting marriage on their own free will was finally adjudicated upon by the learned Division Bench of this Court. Once the matter was decided by the learned Division Bench after recording the statement of the alleged abductee, it would be legally impermissible to recall the same, nor would it be sustainable in the eyes of law. Overruling the decision of the Division Bench or passing any contrary observations cannot be entertained, and any such prayer would amount to a nullity in law, particularly when the said order stands duly endorsed by the Honourable Supreme Court of Pakistan and the learned Division Bench has already examined the matter on merits. Learned counsel for the applicant argued that determination of age of the girl was essential at that stage and was overlooked by the learned Magistrate, asserting that the girl was a minor and that the marriage falls within the ambit of the Sindh Child Marriage Restraint Act, 2013. He further contended that no statement under section 164 Cr.P.C. was recorded by the Magistrate. Such alleged lacuna cannot be agitated at this belated stage, as the statement of the alleged abductee was recorded upon the directions of the High Court and forms part of the judicial record. Any further statement would be a futile exercise and would not serve any lawful purpose.

10. The learned Deputy Prosecutor General, during arguments, pointed out that the case pertains to section 365-B P.P.C., which relates to forcible abduction, and in light of the clear statement of the alleged abductee denying such allegations, the Investigation Officer was legally justified in recommending disposal of the case in "C" Class. I find myself in agreement with the contention raised

by the learned Deputy Prosecutor General, who has assisted the Court ably.

11. Another point raised by the learned counsel for the respondents also carries considerable weightage, that respondent No.15 got pregnant as a result of the said marriage and has already given birth to a baby boy. Any declaration while declaring the marriage as null and void at this stage, would further complicate the matter and adversely affect innocent lives.

12. For the foregoing reasons, I do not find any illegality or material irregularity in the impugned order dated 23.05.2025 passed by the learned Civil Judge and Judicial Magistrate-III, Larkana, whereby the "C" Class report submitted by the Investigation Officer was accepted. Consequently, the impugned order is upheld and this Criminal Miscellaneous Application No. S-205 of 2025 is dismissed, with no order as to costs.

Judge

Abdul Salam/P.A