

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P. No.D-860 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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For order on office objections.
For hearing of MA No.3529/2026.
For hearing of main case.

20.05.2026

Mr. Jehangir Khyber advocate for petitioners along with petitioners.

M/s. Rafique Ahmed Dahri Additional Advocate General Sindh
Mr. Shawak Rathore Deputy Prosecutor General Sindh along with SIP Abdul Jabbar PS Hala New.

Syed Azeem Ali Shah advocate files Vakalatnama on behalf of respondent No.5, taken on record.

The petitioners are present along with their learned counsel. Petitioner No.1 Mst. Surhaya submits that she being *sui juris* has contracted a lawful marriage with petitioner No.2, Moazam Ali on account of her own free will and consent without any coercion or compulsion. She further submits that her mother, the respondent No.5, being annoyed by the un-ceremonial marriage, has lodged a false FIR No.85 of 2026 at PS Hala New District Matiari under Sections 365-B, 506/2, 34 PPC, 3 TIP Act and 3/4 Sindh Child Marriage Restraint Act.

Today, the Investigating Officer appeared and submitted that he has recorded the statement of petitioner No.1 under Section 161 Cr.P.C. In her statement, she reaffirmed the previously stated facts and clearly denied the allegations contained in the FIR regarding kidnapping or wrongful confinement. She further expressed her intention to continue residing with her husband (petitioner No.2).

In view of the statement of the alleged abductee, the Investigating Officer submits that he shall submit a report under Section 173 Cr.P.C. before the learned concerned Magistrate within seven (07) days, for seeking appropriate orders in accordance with law.

At this juncture, learned counsel for respondent No.5 submits that petitioner No.1 is of minor age. He is at liberty to first agitate such fact before the Investigating Officer and then before the learned Magistrate while passing order over report under section 173 Cr.P.C.

Accordingly, the instant petition stands **disposed of** in the above terms.

JUDGE

JUDGE