

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-2699 of 2026
(*Mst. Saira versus Province of Sindh & others*)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Adnan Iqbal Chaudhry

Date of hearing and order : 14.07.2026

Mr. Rameez Raja, advocate for the petitioner along with petitioner.

Syed Ali Ahmed Zaidi, Addl. AG Sindh along with

ASI Muhammad Azam, PS Woman, District Tando Allahyar.

Mr. Abdul Rahim Solangi, advocate for respondents.

O R D E R

Adnan-ul-Karim Memon, J. – The petitioner Mst Sira has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

a). To pass an order for quashment of false FIR No.16/2026 U/S 365, 506 (ii), PPC lodged P.S. Women, District Tando Allahyar. at

b). To direct the respondent No.3 & 4 to provide necessary protection of liberty, property and Honor of the petitioner and her husband, at the hands of private respondent No. 5 to 10.

c). To direct the respondents No. 5 & 10 not to harass the petitioner and her husband. in future also not to interfere with the lives of the petitioner and her husband.

d) Any other relief which this Honorable Court deems fit and proper under the circumstances of the case.

2. Learned counsel for the petitioner submits that the petitioner, being sui juris, contracted marriage with Gulzar Ali, son of Jam Khan, out of her own free will and without any coercion or force, and is presently living with him as his wife. He further submits that the private respondents, being aggrieved by the said marriage, are extending threats to the petitioner and her husband, while respondent No.5 (mother of the petitioner) has lodged a false FIR No.16/2026 under Sections 365-B/506(ii) PPC at Police Station Women, Tando Allahyar. Hence, the petitioner has approached this Court seeking protection of her life, liberty, honour, and property.

3. Learned counsel for respondent No.5 submits that the petition is not maintainable as the matter involves disputed questions of fact regarding the alleged marriage of the petitioner and the subsistence of a previous marriage. He contends that the FIR lodged by respondent No.5 is based on genuine grievances and cannot be termed false at this stage. It is further argued that the petitioner has concealed material facts from this Court; therefore, no relief under Article 199 of the Constitution can be granted. He submits that the allegations require proper

investigation and adjudication by the competent forum, and the constitutional jurisdiction of this Court cannot be invoked to settle matrimonial disputes. He, therefore, prays for dismissal of the petition.

4. Pursuant to the order dated 04.05.2026, the Investigating Officer recorded the statement of the petitioner, wherein she stated that she is an adult and contracted marriage out of her own free will. However, she also alleged that her husband was not fulfilling her marital rights and intended to contract another marriage, causing her mental distress. The counsel for the private respondents disputed her stance and contended that there exists a case of marriage over marriage; therefore, this Court lacks jurisdiction to grant protection. He prayed for dismissal of the petition.

5. We have heard the learned counsel for the parties and perused the record.

6. We have notice that the controversy primarily arises out of a matrimonial dispute between the petitioner and her family members. The petitioner, being a sui juris adult woman, appeared before the Investigating Officer pursuant to the directions of this Court and recorded her statement under Section 161 Cr.P.C., wherein she asserted that she had contracted marriage out of her own free will and without any coercion or undue influence. Her statement reflects her independent choice and willingness to continue her matrimonial life according to her own wishes.

7. The constitutional protection of life, liberty, dignity, and honour guaranteed under Articles 4, 9 and 14 of the Constitution extends equally to every citizen, including an adult woman who is competent to make decisions regarding her personal life and marriage. No person, including family members, can lawfully interfere with the private affairs or matrimonial choices of an adult individual through threats, harassment, or coercive measures.

8. At the same time, this Court, while exercising jurisdiction under Article 199 of the Constitution, cannot conduct an inquiry into disputed questions of fact regarding the validity of competing matrimonial claims, particularly when allegations of a subsequent marriage and other factual controversies have been raised by the private respondents. Such matters fall within the domain of the competent criminal and matrimonial forums. The Investigating Officer has already recorded the statement of the petitioner and is required to complete the investigation strictly in accordance with law and submit a report under Section 173 Cr.P.C. before the competent Magistrate, who shall adjudicate the matter after providing opportunity of hearing to all concerned.

9. In view of the above, no further proceedings are required in the present constitutional petition. However, considering the apprehension expressed by the petitioner regarding threats to her life, liberty, and honour, the concerned police

authorities are duty-bound to ensure her protection and prevent any unlawful interference by private respondents, strictly in accordance with law.

10. Accordingly, the petition is disposed of with directions to the Investigating Officer to proceed in accordance with law and submit the final report under Section 173 Cr.P.C. before the competent court, while the SHO concerned shall ensure protection of the petitioner and her husband from any illegal harassment or coercion. The private respondents shall remain at liberty to agitate all their lawful objections and claims before the competent forum. No order as to costs.

JUDGE

JUDGE