

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-2236 of 2026
(Mst. Sanam & another v 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 Chaudhary

Date of hearing and Order: 13.07.2026

Mr. Gul Mir Jagirani, Advocate, for the Petitioners.
Mr. Ahmed Khan Bhambro, Advocate, for Respondent No.9
Syed Ali Ahmed Zaidi Addl. A.G.
Sajid Gujjar, DSP Legal, CPO Karachi and SIP/I.O Umar Din, PS Dadu.

ORDER

Adnan-ul-Karim Memon, J. – Petitioners have filed this petition under Article 199 of the Constitution seeking direction to quash the impugned FIR No. 57/2026 under Section 365-B, 496-A PPC with K.N Shah Police, Dadu to secure the ends of justice.

2. Learned counsel for the petitioners submits that the impugned FIR No.57/2026 registered under Sections 365-B and 496-A PPC at Police Station K.N. Shah, Dadu, is false, frivolous and the result of mala fide intentions to harass and pressurize the petitioners. He contends that petitioner No.1, who has been shown as an abductee in the FIR, was not kidnapped or enticed away by anyone; rather, she left the parental house of her own free will and solemnized marriage with petitioner No.2 on 11.03.2026 after executing a free-will affidavit and Nikahnama. Learned counsel further submits that after dissolution of her previous marriage, petitioner No.1 was residing with her parents, who intended to marry her against her wishes. Due to maltreatment and pressure, she voluntarily chose to marry petitioner No.2. It is argued that the allegations of abduction are false and the FIR was lodged on 04.03.2026 by creating a fabricated story, whereas the subsequent marriage and free-will declaration establish her independent choice. It is further contended that the petitioners are legally wedded spouses and are entitled to protection of their fundamental rights guaranteed under Articles 4 and 9 of the Constitution. The continued harassment, raids and threats by the complainant party, with the alleged assistance of official respondents, are illegal and without lawful authority. Learned counsel prays that the impugned FIR and all consequential proceedings arising therefrom may kindly be quashed, and the official respondents be directed to protect the petitioners so that they may live peacefully in accordance with law.

3. Learned counsel for the private respondents opposed the petition and submitted that the FIR was lawfully registered based on a genuine complaint

regarding the alleged abduction of Mst. Sanam by the petitioners. It was contended that the allegations contained in the FIR require proper investigation and cannot be adjudicated upon in constitutional jurisdiction. Learned counsel further argued that the statement of the alleged abductee recorded during investigation is a matter of evidence and the truthfulness of the version of the parties can only be determined by the competent forum. It was, therefore, prayed that the petition be dismissed and the investigation be allowed to proceed in accordance with law.

4. The police officials submitted that, in compliance with the order dated 14.04.2026 passed by this Court, the Investigating Officer has neither arrested Petitioner No.02 nor subjected the petitioners to any harassment or action contrary to law. It was further submitted that FIR No.57/2026 under Sections 365-B and 496-A PPC was registered at Police Station K.N. Shah on 04.03.2026 at the instance of Ali Sher Leghari regarding the alleged abduction of his daughter Mst. Sanam Leghari. The investigation was subsequently entrusted to Respondent No.07, who visited the place of occurrence, recorded statements of witnesses under Section 161 Cr.P.C., and proceeded with the investigation. It was submitted that accused Khan Leghari joined the investigation after grant of interim bail by the learned Additional Sessions Judge-IV, Dadu, and his statement was recorded. The Investigating Officer further submits that the statement of the petitioner No.1 has been recorded; as such, the matter would be disposed of by the concerned Magistrate under C Class in terms of statement Mst. Sanam.

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

6. Petitioner No.1, Mst. Sanam, daughter of Ali Sher Leghari, resident of District Dadu, stated in his 161 CrPC statement that she is a major and fully capable of understanding her affairs. She submitted that she married accused Aijaz Ali, son of Alam by her own free will and choice, in accordance with Islamic and social customs, and no one abducted her or compelled her for the said marriage. She further stated that the FIR registered by her father regarding her alleged abduction is false and contrary to the facts. She expressed her desire to reside with her husband and requested that the said FIR may be dealt with and cancelled in accordance with law, as it was lodged against her will and consent. She also stated that she apprehends danger to her life from certain persons and requested that necessary protection may be provided to her.

7. Upon careful examination of the available record, it appears that the very foundation of the impugned FIR is the allegation of abduction of Petitioner No.1 by Petitioner No.2. However, the alleged abductee herself, in her statement recorded under Section 161 Cr.P.C., has categorically stated that she is a sui juris

(major) person, competent to make decisions regarding her life, and that she contracted marriage with Petitioner No.2 out of her own free will and without any coercion, force, or inducement.

8. The statement of Petitioner No.1 negates the allegation of abduction and clearly demonstrates that she voluntarily left her parental house and solemnized marriage according to her own choice.

9. Once the alleged victim herself denies the occurrence of abduction and supports the voluntary nature of her marriage, continuation of criminal proceedings against the petitioners would amount to abuse of the process of law and unnecessary harassment.

10. It is also an established principle of law that a major Muslim female is entitled to marry a person of her choice, and her free will cannot be curtailed merely due to dissatisfaction or objection of her family members. The fundamental rights guaranteed under Articles 4 and 9 of the Constitution protect the liberty, dignity, and security of an individual, subject to law.

11. In the present case, the Investigating Officer has also acknowledged recording the statement of Petitioner No.1 and has submitted that the matter shall be dealt with in accordance with law. In view of the categorical statement of the alleged abductee. The I.O. of FIR No.57/2026 registered under Sections 365-B and 496-A PPC at Police Station K.N. Shah, District Dadu, shall submit appropriate report under section 173 Cr.P.C before Magistrate concerned who shall pass orders thereupon as per law. The official respondents are directed to ensure that no harassment is caused to the petitioners and that they are provided protection in accordance with law, enabling them to live peacefully.

12. The petition stands disposed of in the above terms.

JUDGE

JUDGE