

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-1271 of 2024
(Riaz Ahmed - vs – Province of Sindh & Ors.)

Date	Order with signature(s) of Judge(s)
Hg:/Priority.	

- 1. For orders on office objections
- 2. For hearing of main case.

11.08.2026.
Mr. Manzoor Hussain Khoso, Advocate for the Petitioner.
Mr. K. A. Vaswani, Assistant Advocate General Sindh.
Ms. Anum Iqbal, Assistant Prosecutor General Sindh alongwith Wajid Hussain Thaheem, SDPO Jhirruck and Mushtaque Ahmed Almani, DSP/SDPO K.N Shah & Sajid Gujjar, DSP Legal.

ORDER

Nisar Ahmed Bhanbhro, J. The instant petition is filed seeking a writ of habeas corpus against respondent Nos. 7 to 12 regarding the alleged illegal detention of Mst. Sakina d/o Qamardin Babar, who is reported to be the niece of the present petitioner. It is contended that Mst. Sakina was taken away by respondent Nos. 7 to 12 by force on 08.10.2023. In respect of the said incident, FIR No. 101/2023 was registered at Police Station Jhirruck for offences punishable under Sections 302, 342, 201, 337-F(iii), and 114 PPC. The investigation conducted in the said FIR culminated in the submission of a report under ‘C’ Class, seeking cancellation of the FIR. However, the said report was reportedly rejected by the learned concerned Magistrate vide order dated 23.07.2024. I.O. has filed its report, which is taken on record. Since the petitioner has already lodged an FIR in respect of the said incident under Sections 302, 342, 201, 337-F(iii), and 114 PPC, wherein respondent Nos. 7 to 12 have been shown as absconders. The alleged detainee was reported to be about 17 years of age at the time of the incident; therefore, the petitioner may approach the learned Sessions Judge concerned under Section 552 Cr.P.C. for the recovery of the alleged detainee. For the sake of convenience Section 552 of Cr.PC is reproduced herein below:

552. Powers to compel restoration of abducted females. Upon complaint made to a [Sessions Judge] on oath of the abduction or unlawful detention of a woman or of a female child under the age of [sixteen] years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary

- 2. From a perusal of the above provisions of law, it is clear that where a woman or girl below the age of 16 years is abducted and a complaint is registered in respect thereof, the jurisdiction to issue appropriate orders for her recovery lies with the learned Sessions

Judge concerned. Moreover, the petitioner has failed to identify or point out the place where the alleged detainee is being kept in confinement by the respondents. In the absence of any such information or material indicating the place of confinement, this Court cannot issue a writ in the nature of habeas corpus, particularly when the petitioner has an alternate and efficacious remedy, as discussed hereinabove.

3. Accordingly, the instant petition stands disposed of. However, the petitioner shall be at liberty to approach the learned District & Sessions Judge concerned for appropriate relief in accordance with law.

JUDGE