

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitutional Petition No.D-590 of 2026.
(Mst. Lubna and another vs P.O.Sindh and others)

Date	Order with the signature of Judge(s).
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Hearing of case (Priority).

1. *For hearing of main case.*
2. *For hearing of CMA No.2353/2026 (S/A).*

07.05.2026.

Mr. Alam Sher Khan Bozdar, Advocate, along with the petitioners.

Mr. Israr Ahmed Shah, Assistant Advocate General, Sindh.

Mr. Gulzar Ahmed Malano, Assistant P.G for the state along with SIP Ghulam Safdar Bozdar, Anti Rape Cell, Mirpur Mathelo (investigating officer).

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Through this constitutional petition, the petitioners have sought the quashment of FIR No.77 of 2026 registered for offences punishable under sections 452 and 365-B PPC read with section 3 of the Trafficking in Persons Act, 2018.

The case of the petitioners is that petitioner No.1 has contracted marriage with petitioner No.2 out of her own freewill and without any coercion or duress. In support thereof, copies of Nikahnama as well as freewill affidavit have already been placed on record. Today, petitioner No.1 appeared before this Court in person. The SIP/Investigating Officer is also present and has produced the statement of the alleged abductee, wherein she has categorically not supported the contents of the FIR and has reiterated that she solemnized marriage voluntarily.

Mr. Ali Akbar Leghari, Advocate, filed Vakalatnama on behalf of the complainant/respondent No.5, which is taken on record. The statements of respondents No.3 and 4 have also been recorded.

The statement of petitioner No.1 as well as the material available on record prima facie reflects that she has contracted marriage with petitioner No.2 of her own freewill and being a *sui juris* lady, she is fully competent to decide her matrimonial affairs. She has also fully supported the contents of the petition. Accordingly, petitioner No.1, being *sui juris*, is at liberty to reside and live with petitioner No.2, who claims to be her lawful husband. The concerned police officials/respondents No.2 to 4 are directed to provide necessary protection to the petitioners in accordance with the law.

Conversely, learned counsel for respondent No.5 submitted that another alleged abductee, namely Aalia, is also involved in the present case, and her statement has likewise been recorded by the Investigating Officer, wherein she has supported the contents of the FIR. He contended that in view of such a statement, the matter, to that extent, requires further probe and the FIR may not be quashed at this stage.

The Investigating Officer, who is present in Court, submits that conflicting statements have emerged during the course of investigation, since one alleged abductee has not supported the prosecution's story, whereas the other alleged abductee has supported the contents of the FIR. He further submits that after a thorough investigation, a report under the law shall be submitted before the competent Court having jurisdiction.

In view of the foregoing circumstances, the instant petition stands disposed of with the direction to the Investigating Officer to conclude the investigation strictly in accordance with law and submit his report before the competent Court of law having jurisdiction. The protection already extended to the petitioners shall continue as and when required, strictly in accordance with law.

JUDGE

JUDGE