ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-6234 of 2026
(Mst. Afsana & another versus Province of Sindh & others)

Date	Order with signature of Judge

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 09.10.2026

Mr. Shahid Hussain advocate for the petitioners alongwith petitioners
Mr. Ali Safdar Depar, Assistant AG
Ms. Anam Iqbal, Assistant PG

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking following relief: -

> *a) That this Court may kindly be pleased to Quash, Crime No 115/2026 U/S 365 B, PPC, 3 TIP Act, PS Kandhra, District Sukkur.*
>
> *b) It is humbly prayed that this Court may be pleased to pass the interim order restraining the I.O of the above mentioned FIR not to arrest the petitioners/accused in Crime No 115/2026 U/S 365 B, PPC, 3 TIP Act, PS Kandhra, District Sukkur, till final disposal of this petition.*
>
> *c) It is further prayed that this Court may be pleased to direct the Respondent No 1 to 6 to provide complete legal protection to the petitioners and their family members.*
>
> *d) That this Court may be pleased to direct the private respondents to undertake that they shall not harass to the petitioners and their family members in future in any manner and go them free to live their lives.*

2. Learned counsel for the petitioners submits that petitioner No.1 has contracted marriage with petitioner No.2 with her own desire and consent and is performing her marital obligations and living with petitioner No.2. Counsel further submits that respondent No.7, brother of petitioner No.1 has lodged a false FIR mentioned above, hence, they have approached this Court for necessary protection of life and quashment of the subject FIR.

3. Petitioner No.1 Mst. Afsana present in Court submits that neither she has been abducted nor harassed by anyone rather she contracted marriage with petitioner No.1 on her own accord and freewill and the FIR No.115/2026, registered under Section 365-B PPC at Police Station Kandhra is false, which needs to be quashed. Investigating Officer is directed to incorporate such statement of petitioner No.1 into the summary report for disposal of the case.

4. Nobody is in attendance on behalf of Police Station Kandhra. SSP District Sukkur was directed to procure the attendance of the Investigating Officer of FIR No.115/2026, registered under Section 365-B PPC at Police Station Kandhra and ensure the presence of the Investigating Officer before this

Court for today's hearing, but he is not in attendance. The SSP shall look into the matter at his end.

5. Learned AAG submits that since the lady petitioner has denied the allegations of kidnapping, therefore, this case needs to be disposed of under 'C' class and that summary under 'C' class shall be placed by the Investigating Officer before the concerned Magistrate for appropriate order. The request seems to be reasonable and acceded to. However, the learned Magistrate needs to pass the order in terms of statement of the lady petitioner recorded today, wherein she denied the allegations for disposal of the case under 'C' class.

6. Without touching the merits of the case, petition stands disposed of in the above terms alongwith listed/pending application(s). The Investigating Officer shall provide protection to the petitioners. The concerned SHO and SSP shall also ensure that no harm shall be caused to the petitioners.

Copy of this order shall be transmitted to all concerned, for compliance.

JUDGE

JUDGE

Zahid/*