ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-6211 of 2026
(Mst. Sidra Khatoon & 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. Sartaj Ahmed advocate for the petitioners alongwith petitioners
Mr. Ali Safdar Depar, Assistant AG
Mr. Shahnawaz Teevino advocate for respondent No.8
IO/SI Gul Muhammad

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) To take strict legal action against the respondents No.3 to 12 in accordance with law.

b) To direct respondents No.5 and 6 to quash the proceedings of FIR No.45/2026 U/S 365-B/34 PPC, PS Fulji on date 27.08.2026 against the petitioners lodged by the respondent No. 8.

c) To direct the respondents No.4, 5, 6 and 7 to take legal action against the private respondents and their companions who are continuously issuing threats to the petitioners and their family members to lodge the more FIRs against the petitioners.

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.8, brother of petitioner No.1 has lodged a false FIR No.45/2026, under Section 365-B/34 PPC at Police Station Fulji City, District Dadu, hence, they have approached this Court for necessary protection of life and quashment of the subject FIR based on the statement of petitioner Mst. Sidra Khatoon.

3. This Court vide order dated 25.9.2026 called the SHO Police Station Fulji to appear. Today, the Investigating Officer present in Court and recorded the statement of petitioner No.1 in terms of Section 161 Cr.P.C., wherein she has reiterated the contents of the memo of petition and states that she has contracted marriage out of her freewill without any coercion and the FIR lodged by her brother is false, which needs to be quashed. Such statement is taken on record and the same be incorporated into the summary report of the Investigating Officer for disposal of the case.

4. At this stage, counsel for respondent No.8 submits that the petitioner lady is below the age of 18 years, therefore, she is not entitled to contract marriage

with an adult person, which is an offence under the Sindh Child Marriages Restraint Act, 2013. Prima facie, the lady petitioner has denied the allegation of kidnapping, as such the insertion of Section 365-B PPC is not attracted in the case. So far as the attraction of Section of the Sindh Child Marriages Restraint Act, 2013 is concerned, no material has been placed on record to substantiate such allegations as the FIR itself suggests that age of the lady petitioner is about 18/19 years, therefore, no opinion could be formed at this stage on the subject issue.

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 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 for disposal of the case under 'C' class.

6. 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/*