

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

C.P No.D-1651 of 2015

Date	Order with signature of Judge
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1. For Katcha Peshi.
 2. For hearing of Misc. No.7117/17.
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12.08.2015.

Mr. Imtiaz Ali Effendi, Advocate for the petitioner.
Mr. Arbab Abdul Sattar, advocate for respondents No.3 to 5.
Mr. Miran Muhammad Shah, Addl. A.G.

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This constitutional petition has been filed with the following prayers:

- i. To direct the respondent NO.6 to 7 not to arrest the Petitioner No.2 and his family members as well as his relative and motivated F.I.R bearing No. 12/2015 U/S 147, 148, 149, 382, 493-A, 494, 496-A, PPC P.S. Daro, District Sujawal to be quashed being false and fabricated.*
- ii. To pass order with quash the F.I.R bearing No. 12/2015 U/S 147, 148, 149, 382, 493-A, 494, 496-A, PPC P.S. Daro, District Sujawal being no foot in the eyes of law.*
- iii. To direct the Respondent No.7 to record the statement of the petitioner U/S 164 Cr.P.C. before this Hon'able Court.*
- iv. To declare the F.I.R lodged before the Respondent No. 9 to 11 are forged against the Petitioners and restrain the Respondent No. 9 to 11 not to harass and arrest the Petitioners on the said F.I.R.*
- v. To call the Respondent No. 1 to 5 and direct them not to extend threats of murder to the petitioner No.2, and his family members and direct the Respondent No. 1 to 5 to execute personal bond before this Hon'able Court in this regard.*
- vi. To provide protection to the Petitioners and the family members and will wishers of the Petitioner No.2.*

- vii. *To restrain the Respondents No.6 to 7 not to disturb the lives of the Petitioners and, freedom liberty, as envisaged in constitution of Islamic Republic of Pakistan 1973 and also restrain the Respondent No. 1 to 5 not be harass, humiliate the petitioners, and family members as well as relatives of the Petitioner No.2.*
- viii. *Any other reliefs which this Hon'able Court deems fit and proper may kindly be granted.*
- ix. *Cost of the petition.*

Briefly stated the facts of the case are that the petitioner No.1 has married with petitioner No.2 on 16.1.2015, being sui-juris, with her own free will and without any duress and coercion from any quarter. However, the respondent No.1 was annoyed with the situation and has registered a FIR bearing No.12/2015 under Sections 147, 148, 149, 382, 493-A, 494, 496-A, PPC at Police Station Daro, District Sujawal on 15.01.2015 by stating that the petitioner No.1 is his legally wedded wife and the petitioner No.2 has forcibly taken her. Thereafter, notices were issued to the parties. Petitioner No.1 has categorically stated that she was never married to the respondent No.1 and the FIR was registered by him with mala fide intention. Thereafter, this Court vide order dated 29.5.2015 recorded the statement of petitioner No.1 and directed the I.O. to submit certified copy of the statement of her before the trial Court and the trial Court was directed to pass an appropriate order on such statement.

Today counsel for the petitioners submit that since the statement of the petitioner No.1 has been recorded in the Court, therefore, FIR bearing No.12/2015 may be quashed.

Mr. Arbab Abdul Sattar, advocate for the respondents No.1 to 5 submits that since statement of the petitioner No.1 has been recorded by this Court therefore the petitioners may be directed to move an application before the concerned Court and get the matter resolved from the said Court. It is further submitted that charge has already been framed against the petitioners by the trial Court.

Learned Additional Advocate General Sindh has supported the version of the counsel for the private respondents No.3 to 5.

Be that as it may, since a statement of the petitioner No.1 has been recorded by the Court on 29.5.2015, we direct the petitioners to approach the concerned trial Court for redressal of their grievance by moving an application and the trial Court thereafter may decide the matter in accordance with law.

In our view since the purpose of filing of this petition has been served, therefore, the same is disposed of along with the listed application in the above terms.

JUDGE

JUDGE