

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Jawad Akbar Sarwana

Constitution Petition No.S-1175 of 2023
(Previously CP No.D-3223 of 2023)

Petitioner : Abdul Kareem s/o Ali Khan
Rustamani, in person having
CNIC No.42101-2289210-5

Respondent No.1 : Province of Sindh
Respondent No.2 : The Secretary, Home Department
Respondent No.3 : The Secretary, Health
through Ms. Amna Ansari, Addl.
P.G. Sindh along with SSP District
Dadu, Ameer Saud Magsi and
SIP/SHO Ameer Bux Usmani of PS
Wahi Phandi, Dadu

Respondent No.4 : The Inspector General of Police.
Nemo.

Date of Hearing : 04.09.2025

Date of Order : 12.09.2025

ORDER

Jawad Akbar Sarwana, J.: This habeas corpus petition was filed under the 1973 Constitution in the High Court on 22.06.2023. On first glance, it appears to be an attempt by the petitioner/father, Abdul Karim (Kareem) Rustamani, in search of his daughter, Mst. Amanat (also referred to interchangeably across several litigation as “Amnat” “Aminat”, and “Amina”), whom he claims has been allegedly kidnapped since 2000 and is allegedly in wrongful confinement of Muhammad Khan Jangwani Jamali r/o Village Haleli, PS Tando Rahim Khan, Taluka Johi, District Dadu, Sindh. This petition represents his continuing efforts to find her and compel the police authorities to recover and produce her (his daughter) before the High Court or DNA test. However, on deeper analysis of the bundle of documents available on record, it is apparent that the petitioner/Abdul Karim’s daughter, Mst. Amanat is no more. She has been deceased for over two decades.

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2. It appears from the persistence of the petitioner/father's effort, and the pattern which emerges therefrom, so far, that it is unlikely that either a writ of habeas corpus or any further verification of the body of the deceased daughter, Mst. Amanat, by DNA, to ascertain that the corpus buried inside her grave is in fact that of the deceased's daughter, Mst. Amanat, can bring closure to the petitioner's "search for truth". Such exercise has already been under process for over two decades. Mst. Amanat has been consistently confirmed deceased for over two decades of litigation. Her death is corroborated in various reports submitted to the Courts from time to time by the law enforcement; through Statements of witnesses, including that of Mst. Amanat's husband and daughter, as recorded by the local police authorities; DNA testing and sampling twice; examination of the deceased's body exhumed from her grave by orders of the High Court, twice; and in the judgments of the Court passed in appeals from time to time since 2004 till the present.

3. Given the above, the purpose of this (final) order dismissing the petition is to bring closure to the family of the deceased. To this end, I have attempted to summarise herein the efforts made by this Court so far to help the petitioner bring such closure.

4. I have perused the record and noted the following points for the purpose of arriving at my conclusion that no real purpose will be served to keep this matter ongoing on the Court's docket, and it is better to dismiss the writ and consign it to record:

(a) **Deceased Mst. Amanat, and her husband, daughter alive in 2023:**

The missing Mst. Amanat was the biological daughter of Petitioner/Abdul Kareem Rustamani. She got married to Abdul Kareem's nephew, Mour

Rustamani. Mour Rustamani's sister, Mst Pathani, got married to Petitioner/Abdul Kareem's son, Sikandar. At some point, Petitioner/Abdul Kareem shifted from Village Wahi Pandhi Dadu to Karachi. It appears that Mst. Amanat also filed Family Suit No.662/1999 before the Court of VIIIth Civil and Family Judge at Karachi Central in July 1999 for dissolution of marriage by way of Khula. Mst. Amanat and Mour Rustamani had one daughter, Rehana, who is still alive, but, apparently, Mst. Amnat died during the delivery of her child. This is confirmed by Rehana, who is an adult, married and has one daughter, based on her Statement recorded by the Police.¹ She states that all her life, she has been told that her mother passed away after giving birth to her due to post-delivery complications.²

According to information available in the file, Mst. Aminat is buried in the area of Pir Musafir graveyard in the jurisdiction of P.S. Thirari Muhabat, Taluka Mehar District, Dadu.

(b) **FIR No.02/2000 u/s 302, 324, 148, 149 PPC registered at PS New Karachi Industrial Area.**³

As a result of the above-registered FIR filed by the petitioner-complainant, his son-in-law, Mour Rustamani, faced trial for (i) the murder of the petitioner/complainant's wife, Mst. Gul Bibi, and (ii) for causing injury to the petitioner/complainant's daughter-in-law and Mour's sister, Mst Pathani. Eventually, the accused, Mour Rustmani, was

¹ Submission of Compliance Report dated 04.09.2025 filed by Sr. Superintendent of Police, Dadu, Annexure "C" – Statement of Maur Rustamani dated 17.01.2025.

² Submission of Compliance Report dated 04.09.2025 filed by Sr. Superintendent of Police, Dadu, Annexure "D" – Statement of Rehana dated 17.01.2025.

³ Pages 81 and 91 of Part-I of the Petition

convicted of the crime in FIR No. 02/2000. He was sentenced and imprisoned vide the Judgment dated 21.04.2007. While he was ultimately released from jail in respect of b(i) and b(ii) above,⁴ the issue of the abduction of his wife, Amanat, was not charged by the petitioner/Abdul Kareem, in the above-registered FIR filed by the petitioner against his son-in-law.⁵

(c) **FIR No.22/2004 u/s 365-A, 324, 147, 148 PPC at PS Wahi Pandi, District Dadu.**⁶

Notwithstanding the legal proceedings under FIR No.02/2000, the petitioner/Abdul Kareem Rustamani decided to file **C.P. No.S-20/2004** before the High Court of Sindh at Circuit Hyderabad, which culminated in the registration of FIR No.22/2004 at PS Wahi Pandi, Dadu, alleging that his daughter, Amanat, was alive and had been abducted. But the said FIR was disposed of under Class "C" due to want of jurisdiction.

Pursuant to the Order dated 21.09.2004, passed by the High Court of Sindh, Hyderabad Circuit in C.P. No.S-20/2004, DPO Dadu was directed to carry out a thorough inquiry to ascertain whether Mst. Amanat was, in fact, dead and died during childbirth. The DPO was also empowered to obtain a judicial order for the exhumation of the grave of Mst. Amanat. A postmortem was to be carried out on Mst. Amanat as provided under law, and a report was to be submitted to the High Court.

⁴ Certified copy of the Deposition of Applicant, Abdul Karim in S.C. No.340/2007 filed in the Court of Illrd Addl. Sessions Judge Karachi Central in FIR No.204/2007 in P.S. N.K. Ind. Area, Karachi.

⁵ Paragraph 7 of the Judgment dated 14.01.2020 passed in Cr. Acq. Appeal No.361/2016.

⁶ Certified copy of the Deposition of Applicant, Abdul Karim in S.C. No.340/2007 filed in the Court of Illrd Addl. Sessions Judge Karachi Central in FIR No.204/2007 in P.S. N.K. Ind. Area, Karachi.

Accordingly, Mst. Amanat's body was exhumed, and a post-mortem was conducted on 15.10.2004 and DNA samples were also obtained, but no DNA analysis was performed, and the matter kept lingering on until the subject was picked up against in 2016, when on 05.05.2016 a second exhumation of the dead body of Mst. Amnat was carried out, and DNA samples were taken once again.

(d) **FIR No.204/2007 u/s 365-B, 452, 34 PPC at P.S. Industrial Area, New Karachi Town.**⁷

The petitioner/complainant-Abdul Kareem filed another Constitution Petition in the High Court of Sindh at Karachi, namely, **C.P. No.S-13/2007**, which led to the registration of the FIR No.204/2007 alleging that his daughter, Amanat, was kidnapped by Mour Rustamani and others from his house situated in Khamisa Goth, New Karachi. It appears that this 2007 FIR was filed for an incident that, according to the FIR, occurred in 2000. Ultimately, the IVth Addl. Sessions Judge [South camped at Judicial Complex, Central Prison, Karachi], in Session Case No.545/2011 (Old SC No.340/2007), delivered judgment dated 03.06.2016 in favour of acquitting the accused, Mour Rustamani, in FIR No.204/2007 of allegedly kidnapping his (the petitioner's) daughter. The petitioner/Abdul Kareem preferred **High Court Cr. Acq. Appeal No.361/2016**, which was decided against the applicant vide Judgment dated 14.01.2020. On 13.02.2020, the petitioner/Abdul Kareem, preferred an appeal to the **Supreme Court, i.e. Criminal**

⁷ Pages after page 83 and another set of pages numbered 83 to 89 of Part-I of the Petition.

Petition No.24-K/2020, which, as per the information available on the Supreme Court website, was disposed of on 06.11.2020.

(e) Constitution Petition No.S-938/2013

In parallel to the criminal proceedings under FIR No.204/2007, the petitioner/Abdul Karim, filed yet another Constitution Petition alleging that his daughter, Mst. Amanat was still alive and had been abducted. Although according to Abdul Karim's own statement as recorded in Session Case No.545/2011, and available in this file, his daughter's body, buried at Peer Musafir Graveyard in the area of PS Thariri Muhabat, District Dadu was exhumed and seen by him earlier, yet pursuant to the Orders of the High Court in C.P. No.S-938/2013, DNA testing was carried out. The deceased's DNA were positively matched with the DNA profile of the Petitioner/Abdul Karim, and the deceased's body was confirmed to be the daughter of the Petitioner/Abdul Karim.

(f) Ten (10) years from 2013 to 2023 – Developments in No.S-938/2013 and Cr. Acq. Appeal No.361/2016

For ten (10) years, the High Court of Sindh at Karachi in the above-mentioned two separate lis, continued to pass orders to assist the petitioner/Abdul Karim to ascertain the truth about the status of his daughter, Mst. Amanat.

As per the Order dated 10.11.2016, passed in C.P. No.S-938/2013, a DNA Test report was finally

submitted to the High Court on the same date and taken on record. As per this DNA report based on the exhumation of Mst. Aminat on 05.05.2016, the DNA profile of human remains of Mst. Aminat matched the DNA profile of the petitioner/Abdul Karim Rustamani.

Thereafter, on 24.03.2021, the High Court passed an Order in C.P. No.S-938/2012, that another DNA test was conducted by the Liaquat University of Medical & Health Sciences ("L.U.M.H.S."), Jamshoro, as per the order dated 31.10.2018 passed in Cr. Acq. Appeal No.361 of 2016. But the Court found the DNA report to be unreliable/questionable for reasons of lack of protocol on DNA testing available in Sindh. Accordingly, the Addl. Chief Secretary Health Sindh filed a detailed Statement dated 22.11.2018 concerning DNA testing facilities in Sindh. It also appears that samples were to be sent to the Islamabad/Lahore Laboratory for DNA testing, except that no further information is available, and the High Court dismissed the C.P. No.S-938/2013 as per the Order dated 07.02.2023, as not pressed.

5. It is pertinent to mention here that the petitioner/father, every time the petition is dismissed, has sought permission in the final order to file a fresh petition. As such, the same subject matter, even though it has been decided upon and nothing new is forthcoming, keeps coming up and has survived for almost 25 years. It appears that C.P. No.S-1175/2023 is a continuation of the old writ petition. Nothing new has been brought on record. No fresh information has been provided in this 2023 CP. The petitioner/father's daughter, Amanat, remains deceased with no credible evidence of her being alive. The SSP Dadu has presented reports twice to this Court, once on 28.01.2025 and

once again on 04.09.2025, with no change or any updated information.

6. Lastly, after two rounds of DNA testing in Sindh Province, no evidence is available on file that a third DNA test at Islamabad/Lahore, as proposed, was carried out between 07.02.2023, when C.P. No.S-938/2013 was dismissed by the High Court and up to 22.06.2023, when this petition was filed. Further, after filing of this petition, no (third) DNA testing has been carried out during the pendency of the petition, either. The upshot of all the DNA testing is how far the Court should pursue this case of the petitioner/father, as there is a cost of resources and efficiency tied even to the administration of justice. The Court has to balance even the scales of justice within the realm of reason, and between efficiency and inefficiency. It must be fair, even in exercising its discretion. The Court must administer justice blindly, in equal measure to all and not selectively. In the present case, it appears that the Court has supported the petitioner/father to the best of its abilities and resources, and it must turn to in terms of time and attention to other matters which are equal in importance, and no less. Lastly, the record reflects nothing concerning Mst. Amanat was found with her alleged kidnapper, Muhammad Khan Jangwani. Of course, if any fresh information becomes available concerning his deceased daughter, Amanat, the petitioner always has recourse to the law.

7. Petitioner's daughter, Amanat, also has a daughter, Rehana, who is alive and also has children of her own. The petitioner has not denied her paternity. Perhaps, he should now find solace in his granddaughter as his daughter may be no more.

8. Given the above, this petition is dismissed.

J U D G E