

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C.P No. D-629 of 2025

**PRESENT: Mr. Justice Muhammad Saleem Jessar
Mr. Justice Riazat Ali Sahar**

Petitioners	:	Through Mr. Qazi Sajid Ali M. Qureshi, Advocate a/w Petitioners
1. Mst. Sumaira Bibi		
D/o Mohammad Ishaque		
2. Naseer Ahmed		
S/o Muhammad Zulfiqar Ali		
Respondents No.1 to 5	:	Through Mr. Liaquat Ali Shar, Addl. Advocate General, Sindh along with S.I.P Bashir Ahmed Khokhar. Mr. Ali Anwar Kandhro, Addl. Prosecutor General, Sindh.
Respondents No.6 & 7	:	Through Mr. Ghulam Muhammad Barejo, Advocate
Respondents No.8 to 12	:	Nemo
Date of hearing	:	31.07.2025
Date of Judgment	:	31.07.2025
Date of Reasons	:	08.08.2025

J U D G M E N T

RIAZAT ALI SAHAR, J:- Through this Constitutional Petition, the petitioners submit that Petitioner No.1 was being compelled by her parents to enter into a marriage against her will. Upon her refusal, she was subjected to maltreatment and coercion, which ultimately constrained her to leave her parental home. Thereafter, she voluntarily approached Petitioner No.2, whom she liked, and both contracted a marriage of their own free will on 18.01.2025, solemnised in accordance with *Shariat-e-Muhammadi* and duly evidenced through a registered *Nikahnama* and Marriage Certificate.

2. In retaliation, the private respondents began issuing threats of dire consequences, including threats of honour killing ("Karo Kari"), false implication in criminal proceedings, and subsequently managed to have a false FIR No. 01/2025 of P.S. Airport, District Larkana, offence punishable under sections 365, 364-A, 148, 149, 506/2 PPC and section 3 of the Prevention of Trafficking in Persons Act, 2018, registered against the petitioners under grave and baseless allegations, despite their knowledge of the lawful marriage. Further aggravating the situation, the respondents demolished the residential premises of Petitioner No.2, leaving his family without shelter. The police authorities, instead of performing their constitutional duty, have exhibited bias, declined to extend protection to the petitioners and continue to subject them to harassment, intimidation and threats of further false implication.

3. It is categorically asserted that Petitioner No.1 was neither abducted nor forced into marriage; rather, she exercised her free will and consent in choosing her life partner. The petitioners are presently residing together in peace and harmony. In the absence of any efficacious alternative remedy, the petitioners are constrained to invoke the extra-ordinary constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs : -

a) That, this Honourable court may be pleased to quash the false FIR No. 01 of 2025 P.S Airport, District Larkana for offence U/S 365-B, 364A, 452, 148, 149, 506/2 PPC, 03 of TIP Act 2018 registered by the respondent No. 06 or in alternate direct the respondent No. 02 & 03 to record the statement of petitioner No. 01 and submit such report before the concerned court of law in view of statement of petitioner No.01.

b) That this Honorable Court may be pleased to restrain the respondents No. 02 & 03 from taking any coercive action against the petitioner No. 02 on the basis of above FIR.

c) That, this Honourable Court may be pleased to direct respondents No.01 to 03 not to cause harassment, not to adopt any illegal coercive method and not to issue threats of implicating both the petitioners and family of petitioner No. 02, in false criminal cases at instance of private respondents.

d) To direct the official respondent No. 4 to provide legal protection to the lives and liberty of petitioners as their lives are in utmost danger at the hands of private respondents and further

direct the private respondents to appear before this Honourable court with directions to file their undertaking / affidavit that they will not cause any harassment to the petitioners and family/relatives of petitioner No. 2 in future so that petitioners can live their lives with the peace, harmony, love and affection, which is their fundamental right according to law of land.

e) To award costs of this petition to the petitioners.

f) Any other relief available under the circumstances may also be granted to petitioners.

4. Pursuant to the directions issued by this Court, S.I.P. Bashir Ahmed Khokar of Police Station Airport, Larkana, recorded the statement of Petitioner No.1 under Section 161 of the Code of Criminal Procedure, 1898. A copy of the said statement has been duly placed on the record. In her statement, Petitioner No.1 being **star witness** of prosecution has categorically denied having been abducted or enticed away by any individual, including Petitioner No.2. She has further declared that the FIR lodged by her parents is entirely false and baseless. In light of this unequivocal denial and the absence of any evidence supporting the allegations made in the impugned FIR, the petitioners seek the quashment of the said FIR in the interest of justice and to prevent the abuse of legal process.

5. Learned counsel for the petitioners contended that private respondents No. 6 and 7, being the father and paternal uncle of Petitioner No.1, harbour the intent to murder both petitioners under the pretext of so-called “**Karo-Kari**”. He submitted that Petitioner No.1 has unequivocally denied the allegation of abduction and has affirmed that she is of sound and mature age, fully competent to contract marriage under the law. The learned counsel further argued that, in practical terms, such FIR is often registered with *mala fide* intent, merely to compel the appearance of the married couple before the Court, during which time there exists a grave risk of honour-based violence. He submitted that numerous cold-blooded murders have historically been committed under the guise of such false and fabricated FIRs. Moreover, the learned counsel emphasized that when the alleged victim of abduction herself has categorically refuted the claim and affirmed that no such offence has occurred, the very foundation of the impugned FIR collapses, rendering its continuation a clear abuse of process. With respect to the availability of an alternate remedy, the learned counsel submitted that such remedy is not

efficacious in the circumstances of the present case, as there exists a serious and imminent apprehension of honour killing should the petitioners be compelled to appear before the trial court. Accordingly, the petitioners seek the protection of this Court under its constitutional jurisdiction.

6. Learned counsel for Respondents No. 5 and 6 filed a set of documents by way of a statement dated 31.07.2025 and submitted that the petitioners have an adequate remedy available before the trial Court by moving an application under Section 265-K of the Code of Criminal Procedure, 1898. In support of his submissions, learned counsel placed reliance upon the judgment rendered in *Muhammad Uzair Ahmed Maniya v. Federation of Pakistan* [2025 P.Cr.L.J 117], wherein it was held that where a case has been duly challaned and is pending adjudication, the appropriate course for an accused person is to seek relief from the trial Court. He further pointed out that in the present case, the case has been challaned and is currently sub judice before the Court of learned IVth Additional Sessions Judge, Larkana (trial Court). In these circumstances, he contended that the petitioners ought to avail themselves of the statutory remedy by filing an appropriate application before the trial Court. On these grounds, he prayed for dismissal of instant constitutional petition.

7. Heard. Record Perused.

8. At the very outset, it is laentable that the pernicious custom of “**honour-killing**,” locally known in Sindh as “*karo-kari*”, adventurous continues to corrode the moral fabric and social harmony of our society. Despite legislative reforms, this abhorrent practice remains prevalent, particularly in rural districts of Sindh such as Jacobabad, Kashmore, Shikarpur and Ghotki etc., where women’s autonomous choices in marriage are often met with violence. Credible data collected by the Human Rights Commission of Pakistan reveal that in 2024 alone at least **405 persons** were slain across Pakistan in the name of “**honour**,” with **Sindh accounting for approximately 151 cases**. Earlier records indicate that in the first half of 2023, **123 persons** fell victim to “*karo-kari*” in Sindh, with Jacobabad district alone recording 19 victims. The persistence of such killings underscores the grave risk faced by couples like the petitioners, where familial disapproval is aggravated by threats of lethal retribution.

9. In the present case, the record unequivocally demonstrates that the investigation failed to substantiate the allegations in the impugned FIR No. 01 of 2025 of P.S. Airport, District Larkana. Pursuant to our direction, the statement of Petitioner No. 1 being star witness of prosecution was recorded under Section 161, Cr.P.C., wherein she categorically denied any abduction, coercion, or lack of consent in her marriage to Petitioner No. 2, affirming that she was a major and had contracted marriage of her own volition in accordance with *Shariat-e-Muhammadi*. No material has been placed on record to contradict this voluntary statement. The Investigating Officer has not produced any independent evidence, ocular or circumstantial, to support the grave accusations under Sections 365-B, 364-A, 452, 148, 149, 506-B, P.P.C. and Section 3 of the Prevention of Trafficking in Persons Act, 2018. In such circumstances, the continuation of proceedings on the basis of a demonstrably false narrative would amount to an abuse of the process of law.

10. The Supreme Court in **PLD 2023 SC 265 (FIA v. Syed Hamid Ali Shah)** authoritatively clarified that while Section 561-A, Cr.P.C., does not empower the High Court to quash an FIR, Article 199 (1) (a) (ii) of the Constitution enables this Court to judicially review executive acts, including the registration of an FIR and the conduct of investigation and to declare such acts void if undertaken without lawful authority. Where the allegations in an FIR do not, even *prima facie*, make out a cognizable offence and the proceedings are initiated with *mala fide* intent, the High Court is justified in quashing such FIR to secure the ends of justice and prevent the abuse of process.

11. It is a well-settled proposition that the rule of alternate remedy is a rule of convenience and prudence rather than one of compulsion. While ordinarily, the availability of an adequate and efficacious statutory remedy would persuade this Court to decline the exercise of its extraordinary constitutional jurisdiction under Article 199 of the Constitution, such principle admits of recognized exceptions. The Honourable Supreme Court in **PLD 2024 SC 838 (Muhammad Safeer v. Muhammad Azam)** reiterated that where the impugned order or action is palpably without jurisdiction, manifestly *mala fide*, *coram non judice*, or otherwise *void*, the High Court may intervene notwithstanding the existence of an alternate remedy. The Court further

clarified that “adequate remedy” connotes a remedy that is efficacious, reachable, accessible, advantageous and expeditious; if any of these attributes is absent, the bar does not operate.

12. Similarly, the Lahore High Court in **PLD 2024 Lahore 379 (Rizwan Ellahi v. Province of Punjab)** held that to oust a litigant from invoking Article 199, the respondents must establish that the alternate remedy is not only effective but also expeditious. An alternate remedy that is less effective, unduly time-consuming, or necessitates recourse to multiple forums cannot be deemed adequate. In such cases, the High Court is competent to exercise its jurisdiction, particularly where the grievance involves infringement of fundamental rights under Articles 9 and 14.

13. This Court in the case of **Shahabuddin Shah v. Deputy District Officer (2007 CLC 700)** has also observed that “mere availability of an alternate remedy would be no bar” if the facts and circumstances of the case so warrant, especially where the ends of justice would be defeated by insisting on technical procedural routes. The principle was similarly applied in the case of **Malik Gull Zaman v. Deputy Commissioner (2022 CLC 1261)**, where the Court entertained a constitutional petition despite an available appellate remedy, holding that the exception to the rule applies when the impugned action is patently illegal or without jurisdiction.

14. In the present matter, while the respondents have argued that the petitioners could approach the trial Court under Section 265-K, Cr.P.C. such remedy cannot be termed efficacious in the peculiar circumstances. The petitioners face imminent threats of “*karo-kari*” – a reality substantiated by both regional statistics and established societal patterns – making their physical appearance before the trial forum an act fraught with grave risk to life. Requiring the petitioners to pursue such remedy would amount to compelling them to hazard their lives for the sake of procedural formality, thereby rendering the so-called “alternate remedy” illusory in substance. This Court, therefore, justifiably assumes jurisdiction under Article 199 to quash the patently *mala fide* proceedings, as endorsed by the principles enunciated in the afore-cited precedents.

15. In the context of honour-based threats, the superior courts have repeatedly intervened to protect the life, liberty, and dignity of petitioners

who are *sui juris* adults and have exercised their right to marry by choice. In the case of **Mst. Naila Parveen v. The State (PLD 2011 Lah 37)** and **Mst. Hajra Khatoon v. SHO PS Fateh Jang (PLD 2005 Lah 316)**, FIRs for abduction were quashed where alleged victim herself affirmed the validity of her free-will marriage, the Courts holding that compelling such couples to face trial would unnecessarily prolong their peril and infringe Articles 9 and 14 of the Constitution. In **Muhammad Ayub Khan v. Mst. Shehla Rasheed (PLD 2010 Kar 131)**, this Court reiterated that an adult woman's choice of spouse is a constitutionally protected right and parental disapproval does not convert such marriage into a penal offence. The principle received the imprimatur of the Honourable Supreme Court in **Hafiz Abdul Waheed v. Asma Jahangir (PLD 2004 SC 219)**, which declared in categorical terms that an adult Muslim woman requires no Wali's consent for a valid marriage, and that the State bears a duty to protect her from private reprisals under the guise of honour.

16. Examining the present matter in light of these precedents, it is manifest that the FIR was lodged with an ulterior motive, to compel the petitioners' appearance before forums where their safety could not be guaranteed, thereby exposing them to the very real risk of *karo-kari*. The apprehension of murder is not speculative but grounded in the social realities and statistical prevalence of such killings in the petitioners' region. The Court cannot turn a blind eye to the likelihood that continuation of the impugned FIR would facilitate, rather than avert, irreparable harm to their lives and liberty.

17. The constitutional guarantee under **Article 9** protects not only the physical life but also the quality of life and personal autonomy, and **Article 14** enshrines the inviolability of human dignity. Any criminal process initiated in violation of these guarantees, particularly when weaponized to enforce patriarchal control over a woman's marital choice, is repugnant to the rule of law. As held in the case of **F.I.A through Director General F.I.A v. Syed Hamid Ali Shah (PLD 2023 SC 265)**, this Court's jurisdiction under Article 199 is precisely intended to prevent such abuse and to effectuate constitutional protections without compelling citizens to endure protracted and hazardous litigation.

18. Resultantly, in the result, we find that the impugned FIR No.01 of 2025, registered at P.S. Airport, District Larkana, is devoid of lawful foundation, is the product of *mala fides* and constitutes a manifest abuse of process. The same **under exceptional circumstances was accordingly quashed** along with its subsequent proceedings vide Sessions Case No.432 of 2025 re: The State versus Hubdar Ali Kalhoro & others in terms of short order dated 31.07.2025. The respondents, particularly Nos. 6 and 7, are restrained from causing any harassment to the petitioners or their families, and the official respondents are directed to ensure effective protection to the petitioners' lives and liberty. The Station House Officer concerned shall take immediate preventive measures under the law to forestall any threat to the petitioners' safety.

19. Before parting with the judgment, it will be appropriate to reproduce the caption from **short order dated 31.07.2025**, which reads as under:

"At the very outset, learned counsel for the petitioners places on record a copy of Birth Certificate of Petitioner No.1, issued by Secretary U.C-I, Mithan, District Kemari, Karachi under the cover of his statement dated 31.07.2025, taken on record. Per said Certificate, the Date of Birth of petitioner No.1 as embodied under it is 10.02.2004. He submits that petitioner No.1 being adult, sui juris and aged about 25 years knows all the pros and cons of her life, therefore, she is competent to enter into Nikah with petitioner No.2.

Pursuant to directions issued in earlier part of the day, SIP Bashir Ahmed Khokhar of Police Station, Airport, Larkana has recorded statement of petitioner No.1 under section 161 Cr.P.C. and placed it's copy on record; wherein petitioner No.1 has categorically denied her abduction or enticing away by any one including petitioner No.2 and stated that the F.I.R. lodged by her parents is all a lie, therefore, seeks its quashment.

Learned counsel for respondents No.5 & 6 also files set of documents under the cover of his statement dated 31.07.2025, taken on record and submits that petitioner may approach to trial Court by filing application under section 265-K Cr.P.C. In support of his contentions, he placed reliance upon case law reported as Mohammad Uzair Ahmed Maniya v/s. Federation of Pakistan through Chairman/DAG FBR and 2 others (2025 P.Cr.L.J 117). He further submits that the case has been challaned and is pending trial before learned IVth Additional Sessions Judge, Larkana; hence, best course for the petitioners is to file appropriate application

before the said Court. He, therefore, prays for dismissal of the petition.

Learned Additional Advocate General, Sindh as well as Additional Prosecutor General, Sindh though oppose the petition; however, when confronted with the statement of petitioner No.1 recorded by the Investigating Officer in the Court today, wherein she has denied her abduction or enticing away by any one including petitioner No.2, have candidly conceded the petition.

Heard learned counsel for the parties and perused the material available on record.

For the reasons to follow, instant petition is hereby allowed. Consequently, the F.I.R. and proceedings culminated from impugned F.I.R., which are pending before the Court of IV-Additional Sessions Judge, Larkana vide Sessions Case No.432/2025, emanating from F.I.R. No.01/2025, registered with Police Station, Airport for offence under sections 365-B, 364-A, 452, 148, 149, 506/2 P.P.C, 03-TIP Act, 2018 are hereby quashed”.

20. The above are the reasons to short order dated 31.07.2025, whereby instant petition was **allowed**.

JUDGE

JUDGE

Larkana
Dated. 08.08.2025
Approved for Reporting