

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD.

C.P. No.D-824 of 2014.

DATE

ORDER WITH SIGNATURE OF JUDGE

10.07.2014.

Mr. Ghulamullah Chang, Advocate for petitioners a/w petitioners.
Mr. Mukhtar Ahmed Khanzada, State Counsel a/w SIP Muhammad Shahmir
SHO PS Umerkot.

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Through instant petition, the petitioners seek quashment of F.I.R.
No.46/2014, u/s 365, 34 PPC registered at Police Station Umerkot District
Umerkot.

Diary dated 07.05.2014 reflects that the petitioners appeared before this
Court, whereby petitioner No.1 categorically contended that being sui-juris she has
contracted marriage with petitioner No.2 on her own free will, without any
pressure or coercion; on account of this marriage, her parents were antagonized
and they lodged aforesaid F.I.R. with malafide intention and ulterior motive.
Pursuant to the direction, I.O. present in Court has recorded the statement of
petitioner No.1 u/s 161 Cr.P.C, wherein she has also affirmed the same contention.

Learned State Counsel contends that since the case has been challaned before the competent Court, therefore, petitioners may be directed to approach the concerned Court.

Owing to the statement of petitioner No.1 who is alleged abductee and star witness of the aforesaid F.I.R., candidly she has negated the version of F.I.R., therefore, further proceedings emanating from F.I.R. No.46/2014 will be abuse of process of law. However, since the challan is submitted before the competent Court, therefore, I.O. is hereby directed to submit fresh report in the line of statement u/s 161 Cr.P.C. recorded pursuant to the direction of this Court and the trial Court shall dispose of the case in view of the orders passed by this Court in the instant petition and statement of petitioner No.1 (alleged abductee). It is made clear that the petitioners will not appear before the trial Court for recoding any statement. The trial Court shall submit compliance report within one month. Official respondents are hereby directed that the petitioners shall be provided complete protection and ensure that no harm is caused to the petitioners. Office shall transmit order dated 07.05.2014 and 28.05.2014, including this order through fax to the concerned Court for compliance.

The petition stands disposed of in the above terms.

JUDGE

JUDGE

Tufail