

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1409 of 2025
(Musab versus Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For orders on urgent application.
- 2. For orders on office objections.
- 3. For orders on exemption application.
- 4. For orders on stay application.
- 5. For hearing of main case.

31-07-2025

Mr. Javed Ali Buriro, advocate for the petitioner.

1. Urgency granted.

2to5. The petitioner seeks quashment of FIR No.347/2025 registered at Police Station Qasimabad Hyderabad under Sections 371-B, 376, and 34 PPC read with Section 3 T.I.P. on the complaint of respondent No.5, Mst. Faiza.

According to the petitioner, the FIR has been falsely lodged with mala fide intent, as respondent No.5 is legally wedded to the petitioner, and their Nikah was solemnized in the presence of witnesses. It is contended that the allegation of rape is entirely false and amounts to abuse of process of law.

Learned counsel for the petitioner submits that the FIR does not disclose commission of any cognizable offence, as the relationship between the parties is that of husband and wife. It is prayed that the FIR be quashed to prevent harassment and miscarriage of justice.

We have heard the learned counsel and examined the contents of the FIR and the grounds raised in the petition.

It is a settled principle of law that the quashment of an FIR under constitutional jurisdiction is permissible only in the most exceptional circumstances, where the FIR does not disclose any offence, or is clearly mala fide and amounts to an abuse of process. In the present case, the allegations levelled in the FIR, including offences under Sections 371-B and 376 PPC, are of a serious and sensitive nature, and prima facie disclose the elements of cognizable offences, which require thorough investigation.

The plea that the complainant is the legally wedded wife of the petitioner cannot be adjudicated at this preliminary stage without investigation.

The veracity or falsity of the allegations, including the claim of lawful marriage, is a factual question that cannot be decided without a proper probe. Even otherwise, the mere factum of marriage does not of itself serve as a shield.

We, therefore, find no merit in this petition for quashment. The FIR discloses cognizable offences and the investigation must proceed in accordance with law.

Accordingly, this petition is dismissed in *limine*, alongwith pending applications.

J U D G E

J U D G E

Irfan Ali