

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 1673 of 2024
(Mst. Zubeda Gopang Vs P.O Sindh & others)

Before:-

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Abdul Hamid Bhurgri

Date of hearing and order:- 17.06.2026

None present for the Petitioners
Mr. Israr Ahmed Shah, Assistant Advocate General Sindh
Mr. Zulfiqar Ali Jatoi, Additional PG for the State, along with
SIP Gulzar Ahmed on behalf of SSP, Khairpur Mirs, and SIP
Nadir Ali on behalf of SHO PS Kot Diji

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ORDER

Adnan-ul-Karim Memon, J;- The petitioners, Mst. Zubeda and Rab Nawaz, filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking quashment of FIR No.172/2024 registered under Sections 363 and 365-B PPC at Police Station Kotdiji, District Khairpur, along with protection from alleged harassment by the complainant and police officials.

2. The case of the petitioners was that petitioner No.1, Mst. Zubeda, had been divorced by respondent No.5, Hameed Ali, and after completion of her iddat period, she contracted marriage with petitioner No.2, Rab Nawaz, of her own free will. It was contended that the impugned FIR had been falsely lodged against petitioner No.2.

3. On the date of the hearing, no one appeared on behalf of the petitioners. However, the SSP Khairpur submitted a report stating that no harassment had been caused to the petitioners and that legal protection would be provided whenever required. The report further disclosed that during the investigation, Mst. Zubeda appeared before the Investigating Officer, her statement under Section 161 Cr.P.C. was recorded, and she was produced before the competent Magistrate, where her statement under Section 164 Cr.P.C. was recorded. In both statements, she stated that she had voluntarily contracted marriage with petitioner No.2 after being divorced by her former husband and exonerated the accused persons.

4. The Investigating Officer thereafter recommended disposal of the case in "C" Class, and the learned Magistrate approved the cancellation of the FIR. Learned AAG submitted that since the alleged abductee had been recovered, her statements had been recorded, and the FIR had already been cancelled by the competent Court, the purpose of the petition stood served.

5. Having examined the report submitted by SSP Khairpur as well as the material collected during the investigation, it transpires that petitioner No.1, Mst. Zubeda, being a sui juris adult, voluntarily appeared before the Investigating Officer and the learned Magistrate, where her statements under Sections 161 and 164 Cr.P.C. were recorded. In both statements, she unequivocally stated that after dissolution of her previous marriage, she contracted marriage with petitioner No.2 of her own free will and categorically denied the allegations of abduction or coercion. The Investigating Officer, upon completion of investigation, found no incriminating material against the accused persons and accordingly recommended disposal of the case in "C" Class, which recommendation was accepted by the competent Magistrate through cancellation of the FIR.

6. In these circumstances, no live controversy survives for adjudication by this Court. The grievance of the petitioners stands redressed, the alleged abductee has been recovered and examined by the competent forum, her voluntary statement has exonerated the accused persons, and the criminal proceedings arising out of the impugned FIR have already attained finality through cancellation by the competent Court. Since the relief sought by the petitioners has substantially been achieved and no further cause survives, continuation of these proceedings would serve no useful purpose.

7. Accordingly, the Constitutional Petition is disposed of as having become infructuous in terms of the report submitted by SSP Khairpur and the cancellation order passed by the learned Magistrate if any. The official respondents shall, however, ensure that no harassment is caused to the petitioners except in accordance with law and shall extend lawful protection to them, if so required.

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ARBROHI/PS