

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1136 of 2026

(Mst. Shahnaz Khatoon and another v. Mst. Koonj Khatoon and others)

Date of hearing : **06.08.2026**

Date of decision : **06.08.2026**

Mr. Atta Hussain Chandio, Advocate for petitioner (filed power).
Mr. Manzoor Hussain Aradin, Advocate for respondent No.1 (filed power).
Mr. Saeed Ahmed Wassan, Assistant Advocate General Sindh.
Mr. Gulzar Ahmed Malano, Assistant Prosecutor General.

ORDER

Arbab Ali Hakro, J. – Through the instant Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioners have sought quashment of FIR bearing Crime No.99 of 2026 registered at Police Station Sorah, District Khairpur under Sections 365-B, 511, 354-A, 452, 337-F(i), 148, 149, PPC, along with other consequential reliefs including protection from alleged harassment by the private respondents.

2. The brief facts of the present petition are that petitioner No.1, namely Mst. Shahnaz Khatoon, claims that, being a sui juris lady, she contracted marriage with petitioner No.2, namely Shakeel Ahmed, of her own free will and choice, after obtaining dissolution of her previous marriage through Khulla vide order dated 12.02.2026 passed by the learned Family Judge, Naushahro Feroze, and after completion of the prescribed period of Iddat. It is the case of the petitioners that, subsequent to their marriage, respondent No.1 lodged FIR No.99 of 2026 at Police Station Sorah, District Khairpur, wherein, inter alia, allegations of attempt to abduct Mst. Mumtaz Khatoon and other offences were levelled against several persons, including Amb Mallah, who is stated to be the father of petitioner No.2. According to the petitioners, the criminal case has been instituted falsely and with mala fide intention, and although neither petitioner No.1 nor petitioner No.2 has been nominated as an accused, they have approached this Court seeking quashment of the FIR and protection.

3. Pursuant to the order dated 07.07.2026 passed by this Court, which restrained the arrest of the petitioners and directed the

Investigating Officer to submit the complete police record and progress report, the official respondents have submitted their respective reports before this Court today.

4. From the reports submitted by respondent No.2/SHO Police Station Sorah, respondent No.3/Investigating Officer ASI Shoukat Ali Bhambhro and respondent No.4/SSP Khairpur, it appears that FIR No.99 of 2026 was registered on the complaint of Mst. Koonj Khatoon against accused persons, namely Zaheer Ahmed Mallah, Jabbar Ali, Wakeel Mallah, Amb Mallah, Ayaz Mallah, Bagh Ali Mallah, Sachal Mallah and others, with allegations, inter alia, of attempt to abduct Mst. Mumtaz Khatoon, house trespass and causing injuries during the alleged occurrence. It has further been reported that, during the investigation, statements of independent witnesses, namely Manzoor Hussain, Javed Ahmed Channa, Sadardin Soomro, Imam Bux Mallah and Ali Dad Mallah, were recorded, who disclosed that the occurrence had actually taken place over a dispute regarding a plot and that both sides had sustained injuries, whereas the allegation regarding the attempted abduction was found exaggerated. It has further been reported that, after obtaining a legal opinion from the learned District Public Prosecutor, Khairpur, an interim challan has already been submitted before the competent Court for offences punishable under Sections 452, 337-F(i), 337-L(2), 148, 149, PPC, whereas further investigation is being conducted strictly in accordance with law.

5. Learned counsel for the petitioners contended that petitioner No.1 is a major, sui juris lady who married petitioner No.2 of her own free will. He submitted that neither of the petitioners has been nominated as an accused in the impugned FIR, and that the allegation of attempted abduction contained therein pertains to another lady, namely Mst. Mumtaz Khatoon. According to the learned counsel, the criminal case has been initiated maliciously to harass the relatives of petitioner No.2 after the marriage between the petitioners. He further submitted that petitioner No.1 has voluntarily appeared before this Court, reaffirmed that she married without any coercion or pressure, and has sought protection from this Court.

6. Conversely, learned counsel appearing for respondent No.1 vehemently opposed the instant petition and submitted that the impugned FIR was registered on the basis of allegations disclosing

commission of cognizable offences. He argued that the matter has already been investigated to the extent permissible, statements of witnesses have been recorded, a legal opinion has been obtained, and an interim challan has been submitted before the competent Court. He further contended that the truth or otherwise of the allegations, the appreciation of evidence, the credibility of witnesses, and the determination of disputed questions of fact fall exclusively within the domain of the competent criminal Court and cannot be examined while exercising constitutional jurisdiction under Article 199 of the Constitution. He therefore prayed for dismissal of the petition.

7. Learned Law Officers contended that petitioner No.2 is neither an accused nor an aggrieved person in the impugned FIR. As no criminal proceedings are pending against either of the petitioners, they have no locus standi to seek quashment of the FIR in exercise of constitutional jurisdiction. They accordingly prayed for dismissal of the petition.

8. We have heard the learned counsel for the parties and have examined the material on record with their assistance.

9. The principal question requiring determination in the present petition is whether the petitioners possess the requisite locus standi to invoke the constitutional jurisdiction of this Court for seeking quashment of FIR No.99 of 2026 registered at Police Station Sorah, District Khairpur.

10. It is an admitted position that petitioner No.1 claims to have married petitioner No.2 of her own free will and choice. It is also not disputed that, pursuant to the order dated 07.07.2026 passed by this Court, petitioner No.1 appeared before this Court and categorically stated that she had married voluntarily and without any coercion or pressure. This Court also issued necessary directions for extending protection to the petitioners, if so required.

11. A careful perusal of the impugned FIR reveals that neither petitioner No.1 nor petitioner No.2 has been nominated therein as an accused. The allegations in the FIR relate to an alleged occurrence involving, inter alia, an attempt to abduct Mst. Mumtaz Khatoon and the commission of other offences by the persons named therein, one of whom is Amb Mallah, stated to be the father of petitioner No.2. Nevertheless, the fact that a close relative of petitioner No.2 has been nominated in the FIR does not, by itself, confer upon the petitioners an

independent legal right to seek the quashment of criminal proceedings to which they are admittedly not parties.

12. It is a settled proposition of law that the extraordinary constitutional jurisdiction of this Court under Article 199 of the Constitution is ordinarily available only to a person who establishes that they are directly aggrieved by the act or proceedings sought to be challenged. A person who is neither an accused nor otherwise affected by the criminal proceedings cannot ordinarily seek the quashment of an FIR merely because such proceedings may have some indirect or collateral bearing upon them.

13. In the present case, petitioner No.2 is admittedly not an accused in the impugned FIR, and no criminal liability has been attributed to him. Likewise, although petitioner No.1 asserts that she married petitioner No.2 of her own free will, the impugned FIR has neither been registered against her nor does it contain any allegation relating to her alleged abduction or confinement. Therefore, the relief sought in the present petition, namely the quashment of the FIR, cannot be granted at the instance of persons who are admittedly not the subjects of the impugned criminal proceedings.

14. The question whether the allegations contained in the FIR are true or false, whether the persons nominated therein have been rightly implicated, or whether any offence is ultimately made out are matters that fall exclusively within the jurisdiction of the competent criminal Court. This Court, while exercising constitutional jurisdiction, cannot undertake such an inquiry at the instance of persons who have failed to establish any enforceable legal right or any direct grievance arising from the registration of the impugned FIR.

15. So far as the grievance regarding the safety and security of the petitioners is concerned, it has already been addressed by the interim order dated 07.07.2026, which issued appropriate directions to the concerned police authorities to extend protection to the petitioners whenever required. No material has been placed before this Court to demonstrate the existence of any surviving grievance warranting further interference in exercise of constitutional jurisdiction.

16. For the foregoing reasons, this Court is of the considered view that the present petition is not maintainable, as the petitioners have failed to

establish their locus standi to seek quashment of FIR No.99 of 2026. Consequently, the instant Constitutional Petition is **dismissed**. However, it is clarified that the Investigating Officer shall proceed strictly in accordance with law, while the competent Court shall decide the criminal case on its own merits, uninfluenced by any observation contained herein, as the observations made above are confined solely to the question of maintainability of the present petition.

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Abdul Basit