

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
C.P.No.D- 2196 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

10.05.2017.

Mr. Ashfaqe Nabi Kazi Asstt. A.G.

=

Although none is present on behalf of the petitioners, but we ourselves with the assistance of learned Asstt:A.G has gone through the case file. It appears from the record that on 06.10.2015 the petitioners were appeared before this Court and this Court has passed the following order:-

“Per learned counsel, Petitioner No.1 being sui juris has contracted marriage with petitioner No.2 on 31.8.2015 according to Muhammadan law and has not been abducted by anyone else. On the same date, petitioner No.1 sworn an affidavit of free will exercising her right, wherein she shown her intention to marry with petitioner No.2 with her consent, without duress, coercion and undue influence. Per learned counsel for Petitioners, after their marriage, private respondents have become inimical and declared the petitioners as 'Karo-Kari' and respondent No.9 in collusion with other relatives lodged F.I.R. No.30 of 2015 at PS Dilbar Mehar, District Mirpurkhas for abduction of petitioner No.1 and their lives are in danger, therefore, they approached this Court for protection.

Issue notices to the Respondents and Addl.A.G for 05.11.2015. Respondents No.1 to 4 are directed to provide requisite protection to the petitioners as and when they approached to them. Till the next date, petitioner No.2 or anyone else nominated in the aforesaid F.I.R. shall not be arrested”.

Learned Asstt:A.G pointed out that a statement of petitioner No.1 Mst. Dhinyani w/o Gulan Khan (petitioner No.2) under section 164 Cr.P.C has already been recorded before Civil Judge & J.M-VI, Hyderabad, wherein she has stated in clear terms that nobody has kidnapped or abducted her and she with her own consent got marriage

with Gulan Khan (petitioner No.2). In this connection affidavit of freewill and Nikahnama are available on record, but despite of these facts, an FIR bearing crime No.30 of 2015, offence under section 365-B, 452 and 34 PPC of PS Dilbar Maher, District Mirpurkhas has been registered by respondent No.9 Allan Khan s/o Lal Bux.

Since, the statement under section 164 Cr.P.C of Mst. Dhinyani (petitioner No.1) has already been recorded, therefore this petition stands disposed of with direction to official respondents to make sure that they shall not cause any harassment to the petitioners. However, the learned trial Court is directed to decide the aforesaid case as per law, in view of the statement of Mst. Dhinyani.

Let copy of this order be sent to the learned Civil Judge & J.M-VI, Hyderabad.

JUDGE

JUDGE