

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

C.P.No.S- 1252 of 2017

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**DATE**

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**ORDER WITH SIGNATURE OF JUDGE**

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16.08.2017.

Mr. Mir Naeem Talpur Advocate for petitioners.  
Mr. Ali Abbas Memon State Counsel a/w SIP Ali Gul Rind of  
P.S.Digri Mirpurkhas, SIP Muhammad Hayat P.S.Mawachh  
Goth Karachi.

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Mr. Liaquat Ali Khan Advocate files power on behalf of respondents No.1 & 3 which is taken on record. Official respondents No.5 & 7 have also filed their comments which are taken on record, copies thereof supplied to the counsel for the petitioner.

The main grievance of the petitioners is that they have married with each other under valid Nikahnama dated 08.7.2017, copy of which is on record as annexure-B page No.15 of the case file. It also appears that on same date the petitioner No.1 has also executed an affidavit of free will which is on record as annexure-B page No.13 of the case file.

Today the petitioners are present in court and affirm their marriage. The petitioner No.1 also affirms the contents of her affidavit of free will that she has not been abducted, kidnapped or enticed by any one else and she herself with her choice has contracted marriage with petitioner No.2 but her father and near relatives are not happy with this marriage and causing harassment to them and respondent No.1 has also lodged FIR being crime No.256 of 2017 at police station Saeedabad district Karachi West U/s 365-B, 34 PPC and in this connection there is great apprehension of the arrest of petitioner No.2 and his relatives as they are nominated in the FIR.

Learned counsel for respondents No.1 & 3 submits that private respondents would not harass the petitioners as they have already entered into marriage. Official respondents have also stated in their comments that they will act in accordance with law.

Learned counsel for the petitioners is satisfied with the statement of respondents present in court and seeks disposal of this petition with appropriate directions to the official respondents to act strictly in accordance with law.

In view of above the instant constitutional petition is disposed of with directions to the official respondents that they shall ensure that no harassment shall be caused to the petitioners in violation of law. So far as the FIR bearing Crime No.256/2017 registered against petitioner No.2, is concerned, in this connection, the Investigating Officer of the case is directed not to arrest the nominated accused in the FIR, however, he is directed to record the statement of petitioner No.1 Mst. Sumera/alleged abductee U/s 161 Cr.P.C and place the same before the concerned Magistrate for passing an appropriate order. Office is directed to provide copy of this order to the learned State counsel for compliance.

JUDGE

A.Rasheed

