

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

C.P.No.S- 1253 of 2017

DATE

ORDER WITH SIGNATURE OF JUDGE

16.08.2017.

Mr. Bashir Ahmed Almani advocate for petitioners
Mr. Ali Abbas Memon State Counsel a/w SIP/Addl.SHO Muhammad
Uris Sehta P.S.Moro district Nausheroferoz.

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Mr. Mumtaz M. Gopang Advocate files power as well as legal objections on behalf of respondents No.5 to 8 which are taken on record. Official respondents No.2, 3 & 4 have also filed their comments which are taken on record, copies thereof supplied to the counsel for the petitioners.

The main grievance of the petitioners is that they have married with each other under valid Nikahnama dated 13.7.2017, copy of which is on record as annexure-A page No.21 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.23 of the case file.

Today the petitioners are present in court and affirm their marriage. The petitioner No.2 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, declared them as Karo-Kari and causing harassment to them and respondent No.5 has also lodged FIR being crime No.205 of 2017 at police station Moro district Nausheroferoz U/s 365-B, 452, 148, 149 PPC and in this connection there is great

apprehension of the arrest of petitioner No.1 and his relatives as they are nominated in the FIR.

Learned counsel for respondents No.5 to 8 submits that private respondents would not harass the petitioners as they have already entered into marriage. Private respondents in their comments have denied the allegations that they are causing harassment to the petitioners, as far as the objections file by the private respondents is concerned, in this connection it is spice to say

that if they have any grievance or objection upon such marriage, they have to adopt the legal course against the petitioners. The official respondents have denied the allegations of petitioners in their comments and affirm 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.205/2017 registered against petitioner No.1, is concerned, in this connection the Investigating Officer is directed not to arrest the nominated accused in the FIR. The Investigating Officer of the case who is present in court, on the directions of the court has recorded the statement of petitioner No.2/alleged abductee in the court and provides such copy which is taken on record. He is directed to place the said statement of petitioner No.2 Mst. Raheela 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