

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

C.P No.D-3717 of 2017
C.P No.S-2109 of 2017
Cr. Misc. Appn. No.S-487 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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16.01.2018.

Mr. Mehboob Ali Kabri, Advocate for petitioners alongwith petitioners in C.P No.D-3717/2017 and C.P No.S-2109/2017.

Mr. Heman Das Kolhi, Advocate for respondent No.6 in C.P No.D-3717/2017 and for applicant in Criminal Miscellaneous Application No.S-487 of 2017.

Mr. Muhammad Ismail Bhutto, A.A.G alongwith ASI Abdul Rasheed Thebo, P.S Dano Dhandhal.

It is, inter alia, contended that that petitioner No.1 Mst. Noor Bano after embracing Islam has contracted marriage with petitioner No.2 and against harassment caused to them on that account they earlier filed C.P No.S-2109/2017 in which notice had already been issued to the respondents. Petitioners are present in person and submit that they are living together as husband and wife after execution of valid nikahnama available on record. petitioner No.1 Mst. Noor Bano also submits that prior to nikahnama she has also executed an affidavit of freewill stating therein that nobody has kidnapped / abducted her and she has contracted marriage with petitioner No.2 out of her own freewill. According to petitioner No.2, due to this un-ceremonial marriage father of petitioner No.2 namely Partab / respondent No.6 is not happy with the marriage and he has registered an F.I.R. No.30/2017 at P.S Dano Dhandhal under section 365-B, 506, 452, 147, 148, 149, PPC, and for quashment of said F.I.R. C.P No.D-3717/2017 has been filed.

Since the petitioners are present and confirm their marriage and living together with each other, therefore, the objection raised of respondent No.6 that the petitioner No.1 is aged about 15 years etc. has no force and his grievance is not tenable before this Court, however, he is at liberty to agitate his grievance before the competent forum in accordance with law.

Under these circumstances, CP No.D-3717/2017 is disposed of with direction to the official respondents not to arrest petitioner No.2 till disposal of the case by the trial court. In the meantime, I.O of the case who is present in court is directed to record the statement of star witness Mst. Noor Bano, petitioner No.1, in her verbatim and place before the concerned court alongwith his report, who shall pass appropriate orders in accordance with law.

Since C.P No.D-3717/2017 has been disposed of having achieved its purpose, therefore, connected C.P No.S-2109/2017 and Criminal Miscellaneous Application No.S-487 of 2017 are also disposed of having become infructuous.

JUDGE

JUDGE

Ali Haider