

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

Cr. Misc. Application No.S-639 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. <u>For orders on office objection.</u> 2. <u>For hearing of main case.</u>

14-02-2020

Syed Shahzad Hyder Shah, Advocate along with applicant Shahzad Ali.

Ms. Ramesha Oad, Asst. Prosecutor General a/w ASI Saleem Raza o/b of SHO PS Sunjar Changa District Tando Allahyar and ASI Bashir Ahmed PS City Tando Muhammad Khan.

Akram Ali (private respondent No.5) present in person.

=

Mr. Muhammad Akhtar Shoro, Advocate files power on behalf of respondent No.5, which is taken on record.

The alleged detainee has appeared voluntarily and states that her actual name is Rukhsar daughter of Abdul Rehman and not Mst. Kulsoom. She further states that she never married to applicant Shahzad Ali, but she has married with Akram (respondent No.5), who is present in Court, under valid Nikahnama on 04.10.2019. On Court query, she denies to go with her mother, who is also present in Court, and wish to go with her husband, respondent No.5. She also placed on record photostat copies of the affidavit of free will sworn in by her as well as Nikahnama, which are taken on record.

On perusal of record it appears that there is serious dispute in respect of marriage of alleged detainee either with Akram (respondent No.5) or with applicant (Shahzad Ali), which seems to be a factual controversy and requires evidence hence cannot be resolved by this Court in this criminal miscellaneous application.

In view of above, this Cr. Misc. Application is disposed of with direction to both parties to approach the competent forum / family Court having jurisdiction for redressal of their grievance(s), if so desires and on filing such proceedings, the trial Court shall decide the same as per law.

JUDGE