

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D-2791 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection.
2. For hearing of M.A-12812 of 2019 (Stay Application).
3. For hearing of main case.

15.01.2020

Mr. Sajid Ali Soomro, Advocate for Petitioners, alongwith the Petitioners.

Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh Inspector Dhani Bukhsh Mari SHO P.S Shaikh Bhirkio and ASI / I.O Hadi Bukhsh of P.S Shaikh Bhirkio.

Respondents No.5 present in present.

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Mr. Fayaz Ahmed Laghari Advocate files Vakalatnama on behalf of Respondent No.5; whereas learned AAG files comments of Respondents No.2 and 3, same are taken on record; copy of the comments has been provided to learned counsel for Petitioners.

It is stated by learned counsel for the petitioners that petitioner No.1 Mst. Salma Khatoon being *sui juris* contracted marriage with petitioner No.2 Sikdnar Ali on 08.11.2019 under valid Nikahnama; that on the same date petitioner No.1 has also executed an affidavit of freewill, stating therein that nobody has kidnapped / abducted her but due to this un-ceremonial marriage, private respondents became annoyed and respondent No.5, claiming to be husband of petitioner No.1 lodged a false FIR against petitioner No.2 (Sikandar Ali) and his relatives being Crime No.126 of 2019, under sections 365-B, 34 PPC at Police Station Shaikh Bhirkio. He also states that due to said F.I.R, local police is causing harassment to Petitioners. He further states that prior to present petition Petitioners filed C.P.No.S-1339/2019 before this Court at Principal Seat seeking legal protection which was disposed of vide order dated 02.12.2019 directing the official Respondents to provide legal protection to the Petitioners. He next states that thereafter Respondent No.5 namely Nisar who is cousin of Petitioner No.1 lodged such F.I.R. He prays for quashment of said F.I.R.

Learned counsel for Respondent No.5 submits that instant petition is not maintainable as, according to him, Petitioner No.1 earlier has got married with Respondent No.5 Nisar, despite she has contracted marriage with Petitioner No.2. This fact has been denied by petitioner No.1. Since this aspect of case is a disputed question of act, therefore, Respondent No.5 may knock the door of

competent Court of law and seek redressal of his grievance, if any and if he desires so.

Be that as it may, petitioners present in court while affirming the contention raised by their counsel, submit that they have married with each other and living as husband and wife happily but local police is harassing them. SHO as well as I.O. of the case present in court submit that neither they have harassed the petitioners nor intend to do so. We have specifically asked question from Petitioner No.1 whether she wants to meet her parents present in court, she has denied.

Under these circumstances, I.O. of the case is directed to record the statement of petitioner No.1 Mst. Salma in the office of Additional Registrar of this Court u/s 161 Cr.P.C and one copy be placed on the file of this case and another copy be submitted before the concerned court for passing appropriate orders.

In view of above, counsel for the petitioners is satisfied with this order and does not want to proceed further with this petition. However, it is made clear that I.O. shall not arrest Petitioner No.2 or any other person(s) nominated in the aforementioned F.I.R, till final orders passed by the Magistrate concerned.

The petition stands disposed of in the above terms alongwith listed application. SHO as well as I.O of the case present are directed to make sure that there should be no harassment to the Petitioners.

JUDGE

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