

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No.793 of 2021

Abdul Ghani,
applicant through:

Mr. Nusrat Ali Shar Balouch, advocate

Date of hearing:

29.12.2021

ORDER

Adnan-ul-Karim Memon, J. The applicant-father has impugned the order dated 13.12.2021 passed by the learned Sessions Judge/Ex-Officio Justice of Peace, Malir Karachi, whereby the learned judge directed the police to register a case against the applicant-son under the Protection of Parents Ordinance 2021. An excerpt of the order dated 13.12.2021 is reproduced as under:-

“In the present petition, the petitioner has stated that he is a retired Section Officer from Government of Sindh, and during service, he had purchased a plot. It is further stated that petitioner had already distributed property in equal shares between four sons from his first wife, while petitioner’s two sons from second wife are residing with him. It is further stated that in 2019 proposed accused (son of petitioner) left the house and shifted in rented a premises but he is extending threats of dire consequences and made his life miserable, therefore, petitioner has apprehension to his life at the hands of proposed accused.

Learned advocate for the proposed accused has denied the allegation and submitted that petitioner’s has two wives and proposed accused is son of petitioner from his first wife. It is further submitted that there is civil dispute over the plot situated in District Khairpur and petitioner wants to deprive the proposed accused from shares in the property.

During the course of hearing learned ADPP for the State has pointed out that protection of parents Ordinance 2021 provides care and protection to the parents. Petitioner is old father and stated that concerned police is not even giving him proper hearing. In such circumstances, the petitioner is required to appear before concerned SHO, who is duty bound to act according to law and register FIR if cognizable offence is made out.”

2. I have heard the learned counsel for the applicant and perused the material available on record.

3. Mr. Nusrat Ali Shar Balouch, learned counsel for the applicant, has mainly contended that no cognizable offense has been made out from the application filed by the father of the applicants as such direction issued by the learned trial court is a futile exercise. He prayed for allowing the instant application.

4. Primarily, Islam commands us to honor our parents, to obey them, to respect their opinion, and be kind to them. Kindness to parents is the primary duty of the children. Hence, it is ingrained in the teachings of Islam that a child is obligated to care for and be dutiful to parents. However, there have been unfortunate instances where parents are abused or abandoned.

5. I do not find illegality in issuing such direction by the learned Sessions Judge under the Protection of Parents Ordinance 2021, for the reasons assigned by the

learned Court; this Criminal Miscellaneous Application is found to be not maintainable and is accordingly dismissed in limine.

6. These are the reasons for my short order dated 29.12.2021, whereby the instant Miscellaneous Application was dismissed in limine.

JUDGE

Zahid/*