

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

Criminal Miscellaneous Application No. S-582 of 2021

Applicant: Mst. Husna through Mr. Nadir Hussain Jamali, advocate.

Respondents: Abid Ali through Mr. Fazal Muhammad Shaikh, advocate for respondent No. 6.

The State: Through Mr. Fayaz Hussain Sabki, Asst. P.G.

Date of hearing: 20.09.2021

Date of decision: 20.09.2021

ORDER

KHADIM HUSSAIN TUNIO, J.-Through instant Criminal Miscellaneous Application filed under section 491 Cr.P.C, the applicant Mst. Husna w/o Ameer Bux Khoso has sought for the recovery of alleged detainees namely Mst. Farzana w/o Abid Ali and baby Dhano.

2. It is alleged that applicant is the mother of Mst. Farzana who was married with one Abid Ali (respondent No. 6) and from this wedlock, she had one daughter namely Dhano. After some time of their marriage, the respondent No. 6 had started to quarrel with his wife and was also issuing threats to her and stopped her from meeting the applicant (*her mother*). Mst. Farzana allegedly left her home on 05.07.2021, but when respondent No. 7 was informed of this, on 20.07.2021, the respondent No. 6 and 7 entered the house of the applicant, tied the applicant and her husband and took the detainees away and kept them confined, therefore she filed the present application.

3. Learned Counsel for the applicant has mainly contended that the applicant is the real mother of the detainee Mst. Farzana and her life is in constant danger with the respondent Nos. 6 and 7 who have also issued her threats of torture if she maintains contact with her mother and father.

4. Conversely, learned counsel for the respondent No. 6 has opposed the application while submitting that the alleged detainee Mst.

Farzana is the lawfully wedded wife of respondent No. 6 and is living with him with her freewill and consent.

5. Heard learned counsel for the parties and perused the material available on record.

6. Admittedly, alleged detinue namely Mst. Farzana is *sui-juris* and is married to respondent No. 6 namely Abid Ali. The minor detinue is residing with her natural guardians *i.e. mother* and *father*. The minor is very much familiar with them. On query in open Court, the alleged detenuess have shown their willingness that they intend to reside with respondent No. 6. The detinue Mst. Farzana is staying with the respondents with her own willingness and her marriage is also registered and no case of wrongful confinement is made out.

7. In view of the above facts and circumstances, the instant Criminal Miscellaneous Application was dismissed vide a short order dated 20.09.2021 and these are the reasons for the same.

J U D G E

Muhammad Danish*