

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Application No. 159 of 2022

Date	Order with signature of Judge
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1. For orders on M.A. No. 2947 of 2022 (U/A).
2. For orders on M.A. No. 2948 of 2022 (Ex./A)
3. For hearing of main case.

10th March 2022

Mr. Shujaat Abbas, advocate for the applicant.

- 1) Urgency granted.

Applicant is alleging that his ex-wife Aroma committed offence of miscarriage deliberately and in bad faith. Whereas, case of Mst. Aroma/Respondent No.1 as revealed in investigation is that miscarriage was in good faith. It would be conducive to refer relevant paragraph of impugned order which is that:

“Coming to the merits of instant case, perusal of police papers show that investigation officer, besides official police witnesses, has recorded statements under Section 161 Cr.P.C. of complainant. It has come on the record that complainant allegation regarding abortion committed by the lady accused namely Ms. Arooma Mehwish Khan by taking tablet Prosotec 100 mg upon the advice/suggestion of Dr. Shahnaz Lakhani. I.O. of the case has failed to obtain her statement u/s 161 Cr.P.C as she is out country, therefore in her absentia he obtained the statement of her husband Dr. Wazir Lakhani, in which he disclosed that her wife Dr. Shehnaz was in Toronto has directly gone to U.K. presently she is in U.K & she had issued ultrasound report of MS. Arooma. Present I.O. of the case has also submitted the report 173 in “C” Class on the basis that complainant has failed to provide any authentic material or evidence against the accused persons which connect the both accused persons in the alleged commission of offence... Furthermore the report of JPMC is on the face of the record in which it is categorically admitted that “The Miss Abortion suffered by Mst Arooma age 30 years most probably could be due to physical Trauma, injuries like bruises, causing severe mental stress, anemic and consequent heavy medication one of which is Tab Prosotec 100 mg.”

Perusal of above reflects that during investigation matter was referred for disposal under “C” class and on the basis of report of JPMC that **“The Miss Abortion suffered by Mst Arooma age 30 years most probably could be due to physical Trauma, injuries like bruises, causing severe mental stress, anemic and consequent heavy medication one of which is Tab Prosotec 100**

mg.", the same was accepted. Besides, counsel for the applicant contends that applicant was not aware about such concealment and after divorce she left his house to reside with her parents and he received information of miscarriage after that; hence, applicant has failed to establish that this is a case of miscarriage not in good faith. Accordingly, present Misc. Application is dismissed alongwith listed applications.

J U D G E

SAJID