

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D- 395 of 2022

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DATE

ORDER WITH SIGNATURE OF JUDGE(S)

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1. For orders on office objection.
2. For hearing of main case.

22.03.2022

Mr. Muhammad Ayoob Magsi, Advocate for petitioners, alongwith the petitioners.

Mr. Ayaz Ali Rajper, Assistant A.G. Sindh alongwith Sohail Siddiqui, SP Legal on behalf of DIG Hyderabad Range, ASI Muhammad Tasleem Awan of P.S Bin Qasim Karachi.

Mr. Shahzado Saleem Nahyoon, Additional Prosecutor General, Sindh.  
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Learned A.A.G files comments of respondent No.8 as well as I.O of Crime No.31 of 2022, taken on record, a copy whereof is provided to learned counsel for the petitioners.

Through instant petition, petitioners have sought quashment of the proceedings emanating from FIR No.31 of 2022, registered at Police Station Bin Qasim District Malir Karachi, under sections 365-B, 382, 34 PPC, on the ground that it has been lodged falsely without any substance.

Pursuant to direction, I.O of the case present has recorded the statement of the petitioner No.1/victim (alleged abductee), which is taken on record. Perusal of such statement, it appears that petitioner No.1 contracted marriage with petitioner No.2 on her own free will and choice without any coercion or pressure. She is the only star witness of the case as being alleged. In her said statement petitioner No.1 has categorically stated that case of her abduction (subject FIR) is false, fabricated and has been lodged by her parents as they are being enraged on account of her free will marriage with petitioner No.2.

Under these circumstances, when star witness (petitioner No.1) is not supporting the prosecution case there will be no chance that prosecution if

trial commenced, could succeed to prove its case without shadow of doubt hence keeping the same alive would amount to abuse of process of law. Accordingly, the proceedings emanating from FIR No. 31 of 2022, registered at Police Station Bin Qasim District Malir Karachi, under sections 365-B, 382, 34 PPC are hereby quashed.

Petition stands disposed of in above terms. Official respondents are directed to provide protection to the petitioners as and when they approach them, however, in accordance with law; and, further ensure that no harm is caused to them especially, at the hands of private respondents.

JUDGE

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