

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D- 1879 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For orders on M.A- 9340 of 2021.
3. For hearing of main case.

22.03.2022

Mr. Bilawal Bajeer, Advocate for petitioners, alongwith the petitioners.

Mr. Ayaz Ali Rajper, Assistant A.G. Sindh alongwith ASI Muhammad Ali of P.S Badin.

Mr. Shahzado Saleem Nahyoon, Additional Prosecutor General, Sindh.

Mr. Roshan Ali Azeem Mallah, Advocate for respondent No.6.

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Through instant petition, petitioners have sought quashment of the proceedings emanating from FIR No.352 of 2021, registered at Police Station Badin, under sections 365-B and 34 PPC on the ground that it has been lodged falsely without any substance.

Pursuant to earlier order, I.O of the case is present and contends that during investigation he has recorded the statement of petitioner No.1 (alleged abductee) and in view of such statement has submitted report under section 173 Cr.P.C before the concerned Magistrate for disposal of said FIR under "C" class as same is lacking evidence to take cognizance. Petitioner No.1, who is alleged abductee, also negates the versions of the FIR. She also contends that she is adult and has contracted marriage with petitioner No.2 on her free will and accord.

Learned counsel for respondent No.6 contends that both petitioners are minors and their marriage is illegal under the Sindh Child Marriage Restraint Act, 2013. Since this issue can only be decided by the competent Court of law; therefore, the instant petition is disposed of alongwith listed application, and the Judicial Magistrate concerned is directed to pass appropriate order on the

report submitted by the I.O of the case recommending the disposal of the aforementioned FIR under "C" class within a period of 10 days. As regard the contention of learned counsel for respondent No.6, he may approach the proper forum and seek his remedy in accordance with law/Sindh Child Marriage Restrain Act, 2013.

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

JUDGE

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