

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr. Misc. Appln. No.S-590 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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Mr. Mushtaque Ahmed Memon, advocate for applicant.

Mr. Fayaz Hussain Sabki, A.P.G

Mr. Mazhar Ali Leghari, advocate for private respondents.

Date of hearing: 17.01.2022

Date of decision: 17.01.2022

Date of reasons: 18.01.2022

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ORDER

SHAMSUDDIN ABBASI, J: Applicant is complainant in FIR No.50 of 2021 registered at PS Dehi District Badin for offence punishable under Sections 365/B, 506/2, 34 PPC wherein he has alleged that his sister Maria has been abducted by accused/respondents No.4 to 6 Roshan, Razi Chandio, Meer Muhammad Chandio and unknown accused.

2. During investigation I.O recovered alleged abductee Maria and produced before Court of Civil Judge & Judicial Magistrate Tando Bhago for recording her statement u/s 164 Cr.P.C and her statement was recorded in which she stated that she has contracted marriage with accused Roshan Ali by exercising her right of freewill without duress or coercion. She further stated that her brother has lodged false FIR against her husband and his relatives. I.O has filed summary report before concerned Magistrate for disposal of the case under 'C-class' which was accepted by learned concerned Magistrate and case was disposed of under cancel 'C-class'.

3. Learned counsel for the applicant has mainly contended that accused party is very influential and not a single person could be arrested by the police; that abductee was not medically examined and handed over her custody to the respondent No.4. He lastly prayed for

set aside impugned order and prayed for to take cognizance of the offence.

4. Learned A.P.G who is assisted by learned counsel for the private respondents has supported the impugned order and prayed for dismissal of instant Criminal Misc. Application.

5. Heard learned counsel for the applicant, A.P.G as well as counsel for private respondents.

6. From a perusal of record as well as the statement of alleged abductee who was present in person submitted that neither she has been abducted nor pressurized to contract marriage with accused Roshan Ali and she has contracted marriage without any duress and coercion and she intended to go with her husband. I do not see any illegality in order passed by learned Magistrate, which has been passed in accordance with law. The case was properly investigated and Court cannot go against the will of a sui-juris lady. Therefore, instant Criminal Misc. Application was dismissed by short order dated 17.01.2022 and these are the reasons of the same.

JUDGE