

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

C.P. No.D- 1577 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

1. For orders on office objection.
2. For hearing of M.A-5305 of 2022
3. For hearing of M.A-5306 of 2022
4. For hearing of main case.

19.04.2022

Mr. Aijaz Ahmed Chandio, Advocate for petitioner, alongwith the petitioner.

Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh alongwith Inspector Manzoor Ali on behalf of SSP Hyderabad, SIP Muhammad Khan P.S Hali Road and ASI / I.O Muhammad Rafique Abbasi of P.S Hali Road, Hyderabad.

Ghulam Mustafa, respondent No.6, present in person.
=

Learned A.A.G files reply/written statement on behalf of respondent No.3, taken on record, a copy whereof is provided to learned counsel for the petitioner.

Through instant petition, petitioner has sought quashment of the proceedings emanating from FIR No.68 of 2022, registered at Police Station Hali Road, Hyderabad, under sections 365-B and 34 PPC, on the ground that it has been lodged falsely without any substance.

Pursuant to directions of this Court, Incharge, Darul-Aman, Hyderabad, has produced the alleged detinue Mst. Ghulam Fatima, who was sent to Darul Aman by the learned Magistrate due to lodgment of the aforementioned FIR by her father (respondent No.6). Complainant/respondent No.6 present contends that Mst. Ghulam Fatima has been abducted by Abdul Qadeer and others. Further, he intends to pursue such FIR.

With regard to determination of her age and commission of zina, star witness Mst. Ghulam Fatima, who is alleged abductee and detained in Darul

Aman, is present clearly states that she intends to marry with petitioner Abdul Qadeer, nominated accused in the subject FIR, and join him on her free will without any pressure or coercion. Besides, she contends that the FIR is nothing but pack of lies.

Under these circumstances, when star witness being alleged abductee (Mst. Ghulam Fatima) is not supporting the prosecution case/FIR, keeping the same alive would amount to abuse of process of law. Accordingly, the proceedings emanating from FIR No. 68 of 2022, registered at Police Station Hali Road, Hyderabad, under sections 365-B and 34 PPC are hereby quashed. Alleged detinue Mst. Ghulam Fatima is set at liberty, she may contract marriage as per her choice with petitioner. Official respondents are directed to provide protection to the petitioner as well as Mst. Ghulam Fatima 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 respondent.

Petition stands disposed of in above terms alongwith listed applications.

JUDGE

JUDGE

S