

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

CP No. 3- 281 of 2022

Petitioner : Mukhtiar through
Mr. Arif Khan, Advocate who is called absent today

Respondent : Province of Sindh and others

Mr. Allah Bachayo Soomro, Addl.A.G. along with SIP
Muhammad Javaid Iqbal, SHO PS Airport.

Date of hearing
and Order : 23.09.2022

ORDER

ADNAN-UL-KARIM MEMON, J. Through instant constitutional petition, the petitioner has prayed for recovery of her so-called wife and further restrain the official respondents from creating harassment to him and his family members at the instance of private respondents and further not to arrest them in any FIR.

2. Petitioner, who is called absent has narrated the story in the petition that detinue Mst. Aisha left the house of her parents and contracted free will marriage with the petitioner but since the parents of her wife Mst. Aisha were annoyed on such marriage therefore, they were issuing threats of dire consequences and lastly on 11.3.2022 at 12.00 night the private respondents along with respondent No.6 and other unknown persons barged into the house of petitioner and took away Mst. Aisha hence has filed the instant petition for her recovery and harassment being caused by the respondents.

3. It appears from record that this petition was filed on 12.3.2022 and notices were issued to respondents; and in compliance whereof respondent No.9 who is father of alleged detinue Mst. Aisha appeared himself and also produced her daughter before the court.

4. In compliance with the above order on 23.9.2022 SHO PS Airport Shaheed Benazirabad submitted a report that the father of alleged detinue namely Shahid Ali Khan had registered FIR No. 30 of 2022 at police station Airport district Shaheed Benazirabad under Section 365-B & 506/2 PPC stating therein that her daughter Mst. Aisha had been kidnapped by petitioner Mukhtiar and he visited the houses of petitioner but they were not available there, hence he recorded the statements of nekmards who stated that the petitioner after kidnapping the daughter of Shahid Ali had contracted forcible marriage with her on gun point and on hearing about filing of FIR of kidnapping he along with his parents absconded from the village. The SHO also recorded the statement of Mst.Aisha who in her statement stated that the petitioner along with his companions kidnapped her by force of weapons while she

was going to school with her father on his motorcycle and kept her at Malir Korangi Karachi and contracted marriage with her under coercion and pressure and after one year when she got chance she made a call to her father for her release; hence he lodged the FIR and after recovery she also filed suit for khula.

5. Since Mst. Aisha the alleged detinue has been produced before this Court and her statement has been recorded by SIP, PS Airport Nawabshah. Let the said statement be submitted before the concerned Magistrate for appropriate orders.

6. In view of the statement of détente, this petition has served its purpose and the same is disposed of; however, it is made clear that the official respondents shall ensure that no harassment shall be caused to the detinue.

JUDGE

Karar_Hussain /PS