

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

CP No. S- 355 of 2021

Mst. Irfana and another v. Province of Sindh and others

CP No. S- 504 of 2021

Mst. Noor Khatoon and another v. Province of Sindh and others

CP No. S- 588 of 2021

Kamla and another v. Province of Sindh and others

CP No. S- 128 of 2022

Mst. Aamnat and another v. Province of Sindh and others

CP No. S- 269 of 2022

Mst. Nazia and another v. Province of Sindh and others

CP No. S- 383 of 2022

Muhammad Soomar v. Province of Sindh and others

CP No. S- 315 of 2022

Mst. Kainat and another v. Province of Sindh and others

CP No. S- 469 of 2022

Mst. Hajran and another v. Province of Sindh and others

CP No. S- 507 of 2022

Mst. Nadiya and another v. Province of Sindh and others

CP No. S- 513 of 2022

Mst. Benish and another v. Province of Sindh and others

CP No. S- 577 of 2022

Mst. Gul Bano and another v. Province of Sindh and others

CP No. S- 576 of 2022

Mst. Nazia and another v. Province of Sindh and others

CP No. S- 554 of 2022

Mst. Faiza and another v. Province of Sindh and others

M/s. Mazhar Ali Leghari, Shahnawaz Ali Kumbhar, Muhammad Rahim Gaju, Syed Waqar Ali, Insp. Abdul Jabbar advocate(s) for petitioners

Mr. Allah Bachayo Soomro, Addl.A.G. along with SIP Qadir Bux Behrani SHO PS Islamkot, Qurban Rajev SHO PS Mithi, Insp. Muhammad Rahim Gopang, SHO PS B-Section Tando Allahyar, SHO PS Piyaro Lund & DSP Mehboob Lund PS Piyaro Lund.

Date of hearing and order: 22.8.2022

ORDER

ADNAN-UL-KARIM MEMON, J. - In the aforesaid cases common question of law is involved, therefore the same is being taken up together and disposed of.

2. Through the listed bunch of petitions, the petitioners have prayed for direction like mandamus directing the official as well as private respondents not to interfere in their peaceful matrimonial life. The petitioners claim to be adults and married to each other of their free will in the aforesaid cases, and for that, they are being threatened and harassed.

3. Learned counsel for the petitioners, in each petition, have submitted that the petitioners in each case are major and have solemnized marriage with each other according to Muslim Rites and Custom.

4. Mr. Allah Bachayo Soomro, learned Additional. A.G. assisted by the police officials present in court, has categorically stated that no harassment shall be caused to the petitioners in each case and the police officials shall act strictly under law. Learned counsel for the petitioners seeks disposal of the aforesaid cases in terms of the statement of learned AAG.

5. I have heard learned counsel for some of the petitioners present in court as well as learned AAG on the subject point of law.

6. I have noticed that the petitioners are not in attendance; and, as per learned counsels, due to alleged harassment caused by official respondents/police officials who in connivance with the private respondents are causing harassment to them. Be that as it may, since they simply seek protection against the police officials, who are allegedly extending serious threats of life to the petitioners; and the learned AAG has candidly agreed that no harassment shall be caused to the petitioner; because of such statement, the petitioners are being treated as aggrieved persons within the ambit of Article 199 of the Constitution of Islamic Republic of Pakistan.

7. Primarily, this is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. I, therefore, direct that the administration/police authorities will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts

of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. However, the above observation is without prejudice to the legal rights of the parties, if any, pending before the competent court of law.

8. In view of the above, by consent, the captioned petitions are disposed of with direction that the petitioners are at liberty to live together and no person shall be permitted to interfere in their peaceful living. In case any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the concerned Senior Superintendent of Police or Superintendent of Police with a copy of this order, who shall provide immediate protection to the petitioners.

JUDGE

Karar_Hussain/PS*