

IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

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C.P.No.S- 366 of 2021
[Mst. Rukhsana and another v. Province of Sindh and others]

C.P.No.S- 425 of 2021
[Mst. Anam and another v. Province of Sindh and others]

C.P.No.S- 580 of 2021
[Mst. Zahidan @ Zehran and another v. Province of Sindh and others]

C.P.No.S- 270 of 2022
[Mst. Khalidan and another v. Province of Sindh and others]

C.P.No.S- 563 of 2022
[Mst. Muskan and another v. Province of Sindh and others]

C.P.No.S- 617 of 2022
[Mst. Gufrana and another v. Province of Sindh and others]

Mr. Muhammad Saleem Leghari and Miss Abida Parveen, Advocates for petitioners.

Mr. Muhammad Ismail Bhutto, Additional A.G alongwith SIP Sabir Hussain SHO PS Sakrand.

Date of hearing & Order: **30.09.2022**

ORDER

ADNAN-UL-KARIM MEMON, J. Through the instant petitions, the petitioners have prayed for directions 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, and for that, they are being threatened and harassed by the police at the behest of private respondents. Because of the common grounds taken by the petitioners in all the captioned petitions, the same are taken up together for disposal.

2. Some of the petitioners are not in attendance, and the office has raised certain objections, however, I have gone through their pleadings and the petitioners have submitted in their memo of petitions that they are major and have solemnized marriage with each other according to Muslim Rites and Custom.

3. Mr. Muhammad Ismail Bhutto, Additional A.G along with police officials, has categorically stated that no harassment shall be caused to the petitioners in any manner of whatsoever nature and the police officials shall act strictly under the law.

4. I have noticed that the petitioners are not in attendance; prima-facie, 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 learned AAG has candidly agreed that no harassment shall be caused to the petitioners; 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.

5. 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 for 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, if any boy or girl who being major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is neither 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 person(s) as provided by law. However, the above observation is without prejudice to the legal rights of the parties, arising out of the marriage of the couples, if any, pending before the competent court of law, so far as the issue of underage/conversion, if any is concerned, the same shall be taken care of by the competent forum under the law.

6. In view of the above, by consent of learned A.A.G., the captioned petitions are disposed of with the direction that the petitioners are at liberty to live together and no person including the private respondents shall be permitted to interfere in their peaceful living, subject to all just exceptions as provided under the law. 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