

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

CP No. S- 376 of 2021
Mst. Zulekhan v. Province of Sindh and others

CP No. S- 90 of 2022
Mst. Kauser Adeel and another v. DIGP Hyderabad and others

CP No. S- 556 of 2022
Khalil Rehman and another v. Province of Sindh and others

CP No. S- 564 of 2022
Mst. Mehar-u-Nissa and another v. Province of Sindh and others

CP No. S- 732 of 2022
Mst. Sumera Imran and another v. Province of Sindh and others

CP No. S- 733 of 2022
Mst. Tahmeena and another v. Province of Sindh and others

M/s. Mumtaz Sachal Awan, Muhammad Kaleemullah Memon,
advocate for petitioners

Mr. Muhammad Ismail Bhutto, Addl.A.G. along with Insp. Jawed
Akhtar for DIGP Hyderabad and ASI Muhammad Paryal for SHO
PS Kotri.

Date of hearing and order: 26.09.2022

ORDER

ADNAN-UL-KARIM MEMON, J. - Through instant petitions, the petitioners have prayed for direction like mandamus directing the official as well as private respondents not to interfere in the peaceful matrimonial life of couples in some of the cases claim to be adults and married to each other of their free will, and for that, they are being threatened and harassed. Because of the common grounds taken by the petitioners in all the captioned petitions, the same are taken up together and disposed of.

2. The petitioners submitted in their memo of petitions that the couples are major and have solemnized marriage with each other according to Muslim Rites and Custom.

3. Mr. Muhammad Ismail Bhutto, Addl. A.G.. has categorically stated in all the petitions including the newly presented that no harassment shall be caused to the petitioners and the police officials shall act strictly under the law.

4. I have perused the record with the assistance learned AAG on the subject point of law.

5. 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.

6. 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 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, if any, pending before the competent court of law, so far as the issue of underage if any is concerned the same shall be taken care of by the competent forum in accordance with the law.

7. In view of the above, by consent of learned A.A.G., the captioned petitions are disposed of with the direction that the married couples 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 married couples, they shall approach the concerned Senior Superintendent of Police or Superintendent of Police with a copy of this order, who shall provide immediate protection to them.

JUDGE