

PRESENTED  
17/05/2022  
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REGISTRAR

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitution Petition No. 45 of 2022

1. Aisha W/O Shakeel Ahmed,  
D/O Nand Lal (Old name Simran)
2. Shakeel Ahmed Kori S/O Ali Hassan,  
  
Both Muslim, adult, R/O Shah Latif  
Colony, Daharki, Taluka Daharki,  
District Ghotki.  
..... Petitioners

VERSUS

- 1/- Province of Sindh, through  
Secretary Home Department,  
Sindh Secretariat Karachi.
- 2/- Deputy Inspector General of Police,  
Sukkur Region, Sukkur.
- 3/- Senior Superintendent of Police,  
Ghotki @ Mirpur Mathelo.
- 4/- Deputy Superintendent of police,  
Ubauro, District Ghotki.
- 5/- Station House Officer police  
Station Daharki.
- 6/- Station House Officer, police  
Station Mirpur Mathelo.
- 7/- Sunny Kumar S/O Nand Lal,  
Hind, adult, R/O Wasan Shah Muhalla  
Town and Taluka Mirpur Mathelo, Dist:  
Ghotki.  
..... Respondents



CONSTITUTIONAL PETITION UNDER  
ARTICLE 199 OF CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN 1973.

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constt. Petition. No.5-45 of 2022

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

28.04.2022

Mr. Shabir Ali Bozdar, Advocate for the petitioners.  
Mr. Noor Hassan Malik, AAG.

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The petitioners through the captioned Constitutional Petition  
have prayed for the following reliefs:-

- a) "That this Hon'ble Court may be pleased to direct the respondents No.4 to 6 not to create havoc and harassment at the instance of respondent No.7 and others, as they are harassing and forcing the petitioner No.1 to return back her parents' home else, the petitioners party would be faced the consequences.
- b) That this Hon'ble Court may be pleased to direct the respondents No.2 to 6 to provide legal protection to the petitioners and the family members of the petitioner No.2, which is guaranteed under the law and constitution.
- c) That this Hon'ble Court may be pleased to call the respondents No.4 to 6 in person before this Hon'ble Court and enquire about their illegal act and further bound down not to make any hindrance into the peaceful lives of the petitioners at the instance of the private respondent No.7 and his other relatives.
- d) That this Hon'ble Court may be pleased to direct the respondent No.6 to produce the private respondent No.7 before this Hon'ble Court and bound down him not to disturb the life of the petitioners in future.
- e) To award the cost of the petition.
- f) To grant any other relief, which deems fit and proper under the circumstances of the petition".



From perusal of the record, it appears that petitioner No.1 after embracing Islam has contracted marriage with petitioner No.2 with her own free will and choice without any coercion, inducement or pressure, which antagonized her parents. Upon which, *inter alia*,

a complaint was filed by the mother of petitioner No.1 before Sindh Human Rights Commission, Govt. of Sindh,[the HRC], which was disposed of with the following recommendation:

*"In the present case, the commission is of the view that the girl Mst. Aisha (Alias Simran) is keen to establish mutual relationship with her parents, the law enforcement agencies (district Police Ghotki) may facilitate meeting between Mst. Aishah (alias Simran) and her parents to initiate confidence in each other. It is recommended/ suggested that on first and fifteenth of every month, Mst. Aisha may be taken for a visit to her parental home, for the time mutual agreed upon, and she may be returned to her husband's house. During the entire period, the parents of Mst. Aisha shall be responsible for her security".*

Record further transpires that respondent No.7 (brother of petitioner No.1) approached the concerned Police (official respondents) for compliance of the recommendations issued by Sindh Human Rights Commission, Govt. of Sindh. However, when the official respondents approached the petitioners they aggrieved by the action of the official respondents and have approached this Court through instant petition.

Upon notice of the case, counsel for respondent No.7 put appearance and files his Vakalatnama together with objections on behalf of respondent No.7; which are taken on record. Learned counsel for respondent No.7 while referring to the recommendation of the HRC submits that petitioner No.1 was kidnapped and forced to marry with petitioner No.2. Further the statements of petitioner No.1 with regard to her embracing Islam and marriage were under duress and coercion. He further submits that by the passage of time the family members of petitioner No.1 have accepted the fact that petitioner No.1 is now a 'muslim lady' and all they wanted a cordial relationship with petitioner No.1, her husband and her in-laws. He also submits that in order to establish a normal family relationship both the families shall visit each other, however, the petitioner No.2 is not allowing petitioner No.1 to meet her family viz. mother and brothers.



Petitioner No.1, present in Court, has vehemently refuted the contention of learned counsel with regard to her kidnapping, forceful embracement of Islam and marriage. She has made a categorical statement that she contracted marriage with petitioner No.2 with her own free will, volition and choice. She has also stated that at no point in time her husband or his family members have ever stopped her from meeting her mother and brothers. She also made a statement that at present she herself does not wish to visit her parent's home, however, she will visit her parents whenever she will feel comfortable.


Nevertheless, after addressing the Court at some length both the parties have agreed for disposal of instant petition with the following terms:

- i) *The official respondents shall not cause any sort of harassment to the petitioners and other family members in respect of Sindh Human Rights Commission's recommendations.*
- ii) *The petitioner No.1 will be at liberty to meet her parents as and when she so desires and in this regard the petitioner No.2 will not create any kind of hindrance/hurdle.*
- iii) *The parents of petitioner No.1 will be at liberty to meet their daughter at her home as and when they desire, and petitioner No.2 will have no objection for such meetings.*
- iv) *The official respondents shall provide protection to the petitioners and their family members in accordance with law as and when they approach with such a request.*

In terms of the above, instant petition stands disposed of.

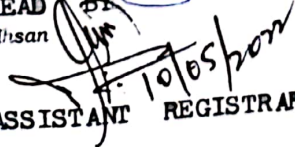
Let a copy of this order be communicated to learned AAG for compliance.

**CERTIFIED TO BE TRUE COPY**

TYPED BY 

COMPARED BY 

READ BY   
Ihsan

  
ASSISTANT REGISTRAR.

Sd/-  
ARSHAD HUSSAIN KHAN  
JUDGE

