

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

Cr. Misc. Appln. No.S-235 of 2020

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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1. For orders on office objections.
2. For hearing of main case.

04.10.2023

None present for the Applicant.

**ORDER**

**ARSHAD HUSSAIN KHAN, J.-** This is an application under Section 491 Cr.P.C filed by applicant seeking custody of her minor / alleged detenue namely Qazim who is allegedly detained by respondents No.3 and 4.

2. Briefly the facts of the case as mentioned in the application are that applicant was married with respondent No.3 and subsequently upon some differences she was ousted from the house by respondent. It is alleged that on 05.06.2020 at 07:00 p.m. applicant alongwith her minors namely Qazim (alleged detenue) and Muhammad Hassan were available in their house, when respondents No.3 and 4 came there for the purpose of visit and then forcibly took away her both minor sons.

3. From the record it appears that this application was presented in the office on 13.06.2020 and lastly it was fixed on 03.03.2021; however, since then neither the applicant nor his Counsel turned up to pursue this application, as such, I have gone through the record made available before me.

4. Perusal of record reflects that prior to filing of this application the applicant filed Habeas Corpus Application No.37 of 2020 under Section 491(A) Cr.P.C before the learned Sessions Judge, Tando Muhammad Khan for custody of detenuess / her minor sons namely

Qazim and Muhammad Hassan who were allegedly detained by their father. The said application was disposed of in the following terms:-

“4. In view of above discussions and reasons given in the preceding paragraph No.2 & 3, the respondent No.02 namely Inam Ali is directed to hand over custody of minor Muhammad Hassan to the applicant being mother of minor, the minor Qazim is said to be over 04 years aged, hence the applicant may approach Guardian Court for his custody. The Habeas Corpus Application No.37 of 2020 stands disposed off in the above terms. However, the order of custody of minor Muhammad Hassan is temporary in nature and it will be open to the parties or anyone of them to agitate the question of custody of minor before the Family / Guardian Court having jurisdiction.”

5. Perusal of the above, it appears that the applicant has filed this application for having custody of her minor son. Since the learned Sessions Judge has already decided the issue of custody in an application of the same nature, containing directions to the applicant to approach the Guardian Court, therefore, this application being meritless is dismissed.

JUDGE

Shahid