

ORDER SHEET**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Constitution Petition No. D – 980 of 2024

*(Javed Ali and another Vs. Superintendent of Police Ghotki & others)*

Date of hearing	Order with signature of Judge
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**Hearing of case**

1. For orders on office objection at flag 'A'
2. For hearing of main case

**Date of hearing and order.            30-07-2024.**

Mr. Faiz Muhamamd Brohi, Advocate for petitioners  
 Mr. Imran Mobeen Khan, Assistant PG for the State  
 Mr. Ghulam Abbas Kuber, Assistant AG Sindh along with  
 Investigating Officer, SIP Meharban Ai Kolachi, PS 'A' Section  
 Ghotki.  
 M/s Achar Khan Gabol and Shah Nawaz Waseer, Advocates  
 for respondent No.3,

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**ORDER.**

**ADNAN-UL-KARIM MEMON, J:**            Petitioner Javed Ali and Mst. Sana alias Sanobar have approached this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, for protection to their lives, which are at stack at the hands of private respondent No. 3, who lodged the FIR No. 175/2024 under section 452, 365-B & 34 PPC at Police Station A-Section District Ghotki against the petitioner No.1 and his family members.

2.        Petitioner No. 2 who is present in Court states that she has contracted marriage with petitioner No. 1 after exercising her right of free will by swearing her affidavit of free will which annoyed her parents and consequently her father lodged the subject FIR with malafide intention, which needs to be quashed on the ground that she has neither been abducted by the petitioner No. 1 nor coerced by him for marriage.

3.        Investigating Officer present in Court has recorded the statement of petitioner No. 2 with the factum that she contracted

marriage with petitioner No. 1 Javed Ali in accordance with Muhammadan law; she narrated that she has not been kidnapped by anyone, and the case lodged against petitioner No. 1 is false one. The Investigating Officer further submitted that he will submit such report to the concerned Magistrate in terms of statement of the petitioner No. 2 for appropriate orders. If he submits such report, the learned Magistrate shall look into the statement of the petitioner No. 2 and decide the case in accordance with law and in the meanwhile no harassment shall be caused to the petitioners.

4. The Police officials present in Court also submit that they will not cause any harassment to the petitioners. Respondent No. 3 is directed to furnish personal bond in the sum of Rs. 100,0000/- with the Additional Registrar of this Court to the effect that he and his family will not cause harm to the petitioners and in the meanwhile the petitioner No. 2 is free to decide whether to go with her husband or her father, which depends on her choice and nobody shall compel her to exercise such right of living without her choice, for the reason that this is a free and democratic country, and once a person becomes 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 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.

5. We, in the above circumstances of the case, direct that the administration/police authorities will see, that if any boy or girl who is major undergoes inter-caste or inter-religious marriage with a woman or man who is 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 will be 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 issues raised by the parties in this constitution petition, the same shall be taken care of by the competent forum under the law.

6. At this stage learned counsel for the private respondents has submitted that the Investigating Officer may be directed to record the statement of the aggrieved party and consider the documents so that the same be placed before the Magistrate for appropriate order on merits. The Investigating Officer present in Court submits that he will conduct the investigation fairly and shall submit his recommendations to the competent authority for appropriate orders. Learned counsel is satisfied with such statement and seeks disposal of this petition in terms of statement of the Investigation Officers

7. In view of the above, the captioned petition can be disposed of with the direction that the petitioner No. 2 is at liberty to live as per her choice and no person shall be permitted to interfere in her peaceful living, however, that is subject to wish and will of the petitioner No. 2 Mst. Sana alias Sanobar either to go with her husband or her father, it is up to her. In case, any disturbance is caused to her, she shall approach the concerned Senior Superintendent of Police or Superintendent of Police with a copy of this order, who shall provide immediate protection to her. So far as the issues raised by the parties and other ancillary matters are concerned the same shall be looked into by the concerned Court if approached by the aggrieved party.

8. This petition is disposed of with a direction to the concerned police to provide legal protection to the petitioners as and when they approach for such protection, in the meanwhile no further action is required against them in terms of statement of the petitioner No.2 and no harassment shall be caused to the couple by the family of the

private respondent at any cost. The Investigating Officer is directed to submit his investigation report to the learned Magistrate for disposal of the case in terms of the statement of the petitioner lady. The Magistrate shall pass a speaking order after hearing the parties; and the ancillary issues, if any raised by the parties, shall be taken care of in the light of observation recorded hereinabove.

Judge

Judge

Nasim/P.A