

**ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

Constitutional Petition No. S-174 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

1. For orders on office objection.
2. For hearing of main case.

13.08.2024

Mr. Shahnawaz Ali Kunbhar advocate for petitioner a/w petitioner.
Mr. Asif Choudhry advocate for respondents No.4 & 5
Mr. Dhani Bakhsh Mari Assistant P.G Sindh a/w Inspector Junaid Qamar SHO
PS Mirwah Gorchani.
=

ORDER

Adnan-ul-Karim Memon, J. Through this petition, the petitioner seeks directions to the police officials to produce detinue Mst Hira, before this court and lastly to provide him protection under the law as the private respondents are causing him harassment.

2. At the outset, the learned counsel for the petitioner submits that the petitioner entered into marriage with the detinue on 04.07.2024 subsequently, the private respondents requested the petitioner to surrender the custody of the detinue to them. Following the performance of a ritual marriage ceremony, the respondents purportedly returned the detinue to the petitioner. However, the detinue was not handed over to the petitioner and was instead confined by the respondents. The learned counsel further asserts that the applicant fears for the detinue's life, apprehending that if the detinue is not recovered from the respondent's unlawful detention, she will be in imminent danger. Additionally, the learned counsel argues that before the present petition, the petitioner had filed a petition before the learned Sessions Judge, Mirpurkhas, which was transferred to the learned Additional Sessions Judge-I, Mirpurkhas, where the application was summarily dismissed and the same was challenged before this court in Criminal Miscellaneous Application No.458 of 2024. Furthermore, the learned counsel contends that the Station House Officer (SHO) of P.S. Mirwah, through deception, presented another woman as

Mst. Hira, who then falsely identified herself and provided a statement under Section 164 Cr.P.C., constituting a fraudulent act, however, he seeks disposal of this Petition with the direction to the police as well as private respondents not to cause harassment to him and trace the detinue and ensure that he meets with her wife positively.

3. In compliance with the order dated 24.07.2024 passed in Criminal Miscellaneous Application No.458 of 2024, Inspector Junaid Qamar SHO PS Mirwah Gorchani is present and submits that the detinue Hira had appeared before Civil Judge & Judicial Magistrate-II and got her statement recorded in connection with FIR bearing crime No.60/2024 of PS Mirwah Gorchani under Sections 365- B, 34 PPC, wherein the detinue categorically stated that she wanted to go with her mother. However, the same case has been disposed of under C class. He further submits that he had conducted a raid at various places but did not find the alleged detinue as she is living with her mother as per the statement of the detinue.

4. I have heard the learned counsel for the parties as well as learned APG and have also gone through the case file.

5. In view of the above statement of Inspector Junaid Qamar SHO PS Mirwah Gorchani, this Petition, is no more enforceable and is dismissed.

JUDGE

Jabbar