

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

Criminal Misc. Application No. S-523 of 2024
(Mst. Niyamat Vs. S.S.P Tharparkar @ Mithi and others)

DATE ORDER WITH SIGNATURE OF JUDGE

Date of hearing and order 26.09.2024

Mr. Muhammad Shakeel Rao advocate for the applicant a/w applicant.

Mr. Wishan Das Kolhi advocate for respondent No.4,

Mr. Dhani Bakhsh Mari, Assistant P.G a/w SIP Ranjhi of PS Diplo.

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ORDER

Adnan-ul-Karim Memon, J. Applicant Mst. Niyamat has filed this Criminal Miscellaneous Application under section 491 Cr. P.C. seeking direction to the police officials to recover and produce her daughter namely Mst. Hawa, who is illegally and improperly detained by the private respondents in their house situated at village Amarno Soomro Deh Sadoyi, P.S and Taluka Diplo, District Tharparkar @ Mithi.

2. In compliance with the order issued by this Court, the SHO P.S Diplo present and submits his report along with a memo of house search. SHO submits that the alleged detainee was not found during the search at the house of private respondents.

3. Learned counsel for the private respondent submits that alleged detainee Mst. Hawa along with her husband appeared before this court at Karachi in C.P.No.S-437 of 2024. He submitted a copy of the order dated 17-04-2024 passed in the said Constitutional Petition; the same is reproduced as under:-

"The petitioners are present in Court along with their counsel. Learned counsel states that being sui juris petitioner No.1 (Ms. Hawa) entered into marriage with petitioner No.2 (Shahbaz) with her own free will and without any pressure against the wishes of her family members. In support of his submissions, the counsel draws attention to the Nikahnama dated 13-11-2023 (at Court File Pg. 21) and Affidavit of Freewill (at Court File Pg. 23). As a result the private Respondents are unhappy and are threatening the petitioners with dire consequences.

Issue notice to the respondents as well as AAG for 10-5-2024. In the meanwhile, the official Respondents are directed to provide protection to the Petitioners in accordance with law.

Copy of this order may be transmitted to the official respondents through e-notice.

4. In view of the above, alleged detainee Mst. Hawa cannot be claimed in illegal detention, as portrayed by the applicant; however, if the grievance of applicant still subsists, he is at liberty to appear in C.P.No.S-437 of 2024 to assist the court, if the lis is pending.

5. The very purpose of filling this application under section 491 Cr. P.C. has been served as the alleged detainee is no more in illegal detention in terms of the order dated 17-04-2024 passed by this Court; therefore, the instant Criminal Miscellaneous Application stands disposed of.

JUDGE

Ali Sher