

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

Criminal Misc. Application No.S-520 of 2024
(*Fida Hussain Vs. S.S.P Tharparkar and others*)

DATE ORDER WITH SIGNATURE OF JUDGE

Date of hearing and order 25-09-2024

Mr. Khalid Hussain advocate for the applicant a/w applicant.
Mr. Dhani Bakhsh Mari, Assistant P.G a/w SIP Kamal Samejo of P.S Chachro.
Mr. Muhammad Yousuf Mangrio advocate for respondents No.4 and 5.
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ORDER

Adnan-ul-Karim Memon, J. The applicant Fida Hussain claimed that his wife has been detained by her parents and sought her immediate recovery, and due to this reason, this court vide order dated 12-09-2024 directed the official respondents for the production of the alleged detainee before this court.

2. In compliance with the court's order, SIP Kamal Samejo of P.S Chachro has produced alleged detainee Mst. Sain along with a report and memo of recovery. On query, Mst. Sain denied the allegations leveled by the applicant and submitted that she does not want to go with the applicant for the time being; and, intended to go with her father. Since, the alleged detainee is a sui juris lady and wants to go with her father, she is at liberty to go wherever she desires.

3. Section 491 of the Cr.P.C. empowers the High Court to issue writs of habeas corpus, which are used to challenge the legality of a person's detention. It provides a remedy for those who believe they are being unlawfully detained, whether by the government or private individuals. The primary purpose of Section 491 Cr.P.C is to ensure that the person is detained under due process of law. And the detention is not based on whim or caprice.

4. Before parting with this order it is directed that the Police officials shall protect Mst. Sain and ensure no harm is caused to her by either party and if any harassment is caused to her by any of the parties the police shall act swiftly.

5. In view of the statement of the alleged detenee, no case of illegal detention is made out and the purpose of filing the instant Criminal Miscellaneous Application under section 491 Cr. P.C. has been served; therefore, the same stands disposed of.

JUDGE

Ali Sher