

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

Constitutional Petition No.S-386 of 2024
Criminal Miscellaneous Application No.S-690 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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01.11.2024

Mr. Irfan Ahmed Qureshi Advocate files vakalatnama on behalf of Petitioners.

Mr. Nihal Khan Lashari Advocate for Applicant in Criminal Miscellaneous Application No.S-690 of 2024 and for Respondents No.7 and 8 in C.P. No.S-386/2024.

Mr. Wali Muhammad Jamari AAG and Mr. Siraj Ahmed Bijarani Assistant PG. along with PI Muhammad Changal on behalf of SSP Hyderabad, Inspector Nooruddin Mallah SHO PS Sanjar Chang on behalf of SSP Tando Allahyar AND sip Ghulam Hussain PS Hatri, District Hyderabad.

Petitioners are in attendance. On query posed to the Petitioner No.1, she states that she is 18 years of age and, being sui juris, has entered into marriage of her own freewill with the Petitioner No.2. Her contention is refuted by Counsel appearing on behalf of Respondent No.7, who is also the applicant in the connected Criminal Miscellaneous Application. He has stated that the Petitioner No.1 is a minor, and placed on record a Form-B, which, *prima facie* reflects that this is so, but shows the name of her father to be Rajab Ali Lashari, whereas, the Criminal Miscellaneous Application underpinning the matter at hand has been filed by one Muhammad Juman (i.e. the Respondent No.7 in the Petition and Applicant in the connected matter). Needless to say, disputed facts as to age or paternity cannot be determined within the parameters of the instant proceedings.

Under such circumstances, these matters are disposed of while directing the official Respondents to provide all due protection to the Petitioners. Needless to say, if the father of the Petitioner No.1 seeks to

assert that any criminal offence has been committed under the Sindh Child Marriages Restraint Act, 2013, he may avail his remedy in accordance with law, including approaching the Justice of Peace, if so desired.

These matters stand disposed of in the above terms.

JUDGE

Ali Haider