

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

C.P. No.D- 1106 of 2014.

DATE	ORDER WITH SIGNATURE OF JUDGE
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10.07.2014.

Mr. Ghulam Murtaza Leghari, Advocate for petitioners a/w petitioners.
Mr. Allah Bachayo Soomro, Additional A.G. a/w SIP Muhammad Azeem
Leghari SHO PS Chorr, SIP Moula Bux SHO PS Khoski and ASI Kashif
Abbas.
Mr. Ghulam Qadir Deeshak, Advocate files Vakalatnama on behalf of
respondent No.7.

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Through instant petition, the petitioners seek quashment of F.I.R. No.23/2014,
u/s 365-B, 382,34 PPC registered at Police Station Chorre District Umerkot.

Diary dated 17.06.2014 reflects that the petitioners appeared before this Court,
whereby petitioner No.1 categorically contended that being sui-juris she has
contracted marriage with petitioner No.2 on her own free will, without any pressure
or coercion; on account of this marriage, her parents were antagonized and they
lodged aforesaid F.I.R. with malafide intention and ulterior motive. Pursuant to the
direction, I.O. present in Court has recorded the statement of petitioner No.1 u/s 161
Cr.P.C, wherein she has also affirmed the same contention.

The learned counsel for respondent No.7 contends that the petitioner No.1 is
already married with one Barkat Ali, therefore, she is not legally wedded wife of the
petitioner No.2 and without getting divorce, she has contracted marriage with
petitioner No.2, therefore, they have committed an offence.

Owing to the statement of petitioner No.1 who is alleged abductee and star
witness of the aforesaid F.I.R., candidly she has negated the version of F.I.R.,
therefore, further proceedings emanating from F.I.R. No.23/2014 will be abuse of

process of law and thus same are hereby quashed. However, respondent No.7 is at liberty to approach the concerned competent Court with regard to the dispute of first marriage in accordance with law. At this juncture, learned counsel for the petitioners contents that two persons namely Ameen and Aslam, the relatives of petitioner No.2 are in police custody without lawful authority. Since the proceedings have been quashed, therefore, they shall be released forthwith if not required in any other case. Further learned counsel for the petitioners states that the petitioners have apprehension that many other persons belonging from same clan of private respondents have converged out of the Court and therefore, there is a serious apprehension that the petitioners might be killed on the pretext of “Karo Kari”. SIP Muhammad Azeem Leghari concerned SHO present in Court is hereby directed to escort the petitioners and ensure for safe journey of the petitioners upto their destination.

The petition stands disposed of in the above terms.

JUDGE

JUDGE

Tufail