

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

C.P. No.D-2768 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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07.09.2022

Mr. Shahzeel Ali advocate for petitioners along with petitioners.

Mr. Muhammad Ismail Bhutto, Addl. A.G Sindh and Mr. Nazar Muhammad Memon, Addl.P.G Sindh along with IO/SIP Shamsuddin Rajpar, C.P Nasim Nagar PS Qasimabad, Inspector Jawed DIGP office Hyderabad, SIP Liaquat Ali Sarki IC CP Nasim Nagar and Inspector Najamdin Nizamani on behalf of SSP Hyderabad.

Mr. Masood Rasool Babar Memon advocate has filed vakalatnama on behalf of respondent No.6; taken on record.

Instant FIR against petitioner No.2 has been registered u/s 365-B PPC: **Kidnapping, abducting or inducing woman to compel for marriage etc.-** Petitioner No.1 submits that she has not been abducted and contracted marriage with petitioner No.2 out of her own freewill. Learned counsel for petitioners has however not been able to show that petitioner No.1 is of 18 years age.

In view of above, as far as applicability of section 365-B PPC in the case of the petitioners is concerned, it is not made out and is accordingly struck down. However, the IO is at liberty to continue investigation and if the age of the petitioner No.1 is determined below 18 years, shall act in accordance with law and submit report to the trial court. However, if the age of the petitioner No.1 is determined more than 18 years, then based on her statement dispose of the case in "C" class. Till completion of such exercise, no arrest in FIR shall be made.

Petition stands disposed in the terms as stated above.

JUDGE

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