

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

C.P. No.D-495 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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10.05.2023

Mr. Mehnaz Solangi advocate for petitioners along with petitioners.

Mr. Muhammad Ismail Bhutto, Addl. A.G Sindh and Mr. Shahzado Saleem Nahiyoona, APG along with SIP Ali Murad Dahri PS Sukhan, District Malir Karachi.

Statement of petitioner No.1 has been recorded by Investigating Officer who has come from PS Sukhan District Malir Karachi. In the statement she has stated that she has contracted marriage out of her own freewill and choice. However, in FIR age of petitioner No.1 is stated to be 14 years. IO submits that father of petitioner No.1 who is complainant and is present has produced Birth Certificate issued by NADRA which also shows that petitioner No.1 is minor, aged about 14 years.

In the circumstances, this petition is disposed of by directing the IO to get medical test of petitioner No.1 conducted to confirm her age and if she is found below 18 years, submit the report before the trial court under the relevant provisions of Sindh Child Marriage Restraint Act 2013. However, if she is found to be 18 years of age, shall dispose of the matter in the light of statement of petitioner No.1 recorded today stating that she has contracted marriage out of her own freewill. Till the investigation is pending and the report is submitted before the trial court, the IO shall not effect arrest of the petitioners in the case. However, after the report is submitted in the trial court, and which is in positive protection extended to the petitioners by this order would automatically stand lifted and petitioners would be at liberty to avail the remedy according to law.

The petition is disposed of in the terms as stated above.

JUDGE

JUDGE