

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. S- 472 of 2024
(Muhammad Asif v. P.O Sindh and others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing

1. For orders on office objection 'A'
2. For hearing of main case.

Date of hearing & Order : 17.03.2025

Mr. Ali Akbar Shar, Advocate for the petitioner.
Mr. Habibullah G. Ghouri, Advocate for the private respondents.
Mr. Abdul Waris K. Bhutto, Assistant A.G for the State,
SSP Kashmore @ Kandhkot alongwith detainee Mst.Fozia.

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ORDER

Adnan-ul-Karim Memon, J- The learned counsel for the petitioner initially stated that the petitioners previously appeared before this Court in C.P. No. D-285 of 2024, which was resolved by order dated July 13, 2024. Subsequently, the petitioner, Mst. Fozia was allegedly forcibly removed and is now being detained by her parents. Despite extensions granted to the Senior Superintendent of Police (SSP) for the detainee's production, the SSP has neither appeared nor recovered Mst. Fozia.

2. Considering the aforementioned circumstances and previous court orders dated January 23, 2025, January 31, 2025, and February 14, 2025, this Court, by order dated March 10, 2025, directed the Deputy Inspector General (DIG) of Police, Larkana, to produce the detainee, Mst. Fozia, on the next hearing date, March 17, 2025. Alternatively, the DIG was directed to submit a statement confirming Mst. Fozia's safe residence with her parents. Failure to comply would necessitate the DIG's appearance in court. The court office was directed to forward a copy of the order to the DIG, Larkana, to ensure compliance. An excerpt of the order is reproduced as under:-

"If this is the position of the case coupled with the orders dated 23.01.2025, 31.01.2025 and 14.02.2025, passed by this Court, the D.I.G Police, Larkana is directed to produce the detainee before this Court on the next date of hearing, or record her statement to the effect that she is living with her parents safely, in case of failure, he shall appear in person. Office is directed to send a copy of this order to DIG Police, Larkana to ensure production of the detainee Mst. Fozia before this Court on the next date of hearing. To come up on 17.03.2025".

3. Today, the Senior Superintendent of Police (SSP), Kashmore @ Kandhkot, submitted a compliance report and produced the alleged detainee before the Court. The detainee stated that she is living with her parents willingly and safely. She reiterated this statement before the Court and further informed that she has filed a Suit for Dissolution of Marriage, which is currently pending adjudication.

4. In light of the preceding information, it is essential to highlight that Article 4 of the Constitution mandates lawful treatment for all, which includes fairness and the elimination of impediments to legal processes. To enforce this right, this Court directs the police to ensure the parties' safety protection under the law, as the Constitution further protects the honor and dignity of citizens.

5. As the alleged detainee has been produced and is confirmed to be no longer under illegal detention in terms of Article 491 of the Constitution, as portrayed by the petitioner, the purpose of this petition has been fulfilled upon appearance of the lady/detainee who narrated her ordeal.

6. In light of the aforementioned facts and circumstances, this petition is disposed of. The Senior Superintendent of Police (SSP) is directed to protect Mst. Fozia, ensuring she is not harmed by her parents or her husband Muhammad Asif. The SSP shall address the protection of all involved parties, per the law.

A.H.Qazi/**