

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-1479 of 2024
(Mst. Shirbano & another v Province of Sindh & others)

Date	Order With Signature Of Judge
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Date of hearing and order: 07.04.2025

Petitioners are present in person.
Mr. Ali Safdar Depar, AAG.
Nemo for the private respondents.
Mr. Qamaruddin Nohri, DPG along with DSP Raza Mian, DSP Legal-II,
CPO, PI Sheral Khan Khoso, Gadap, SIP Ghulam Mustafa Brohi, PS
Memon Goth, SIP Zahid Jadoon, PS Saeedabad and SIP Hammad Ali PS
Tando Adam City, District Sanghar.

ORDER

Adnan-ul-Karim Memon, J: Petitioner No.1 Mst. Shir Bano and Arbab Ali have approached this court, seeking direction to the police officials not to harass them at the behest of private respondents No. 6 to 11, whereas the former husband of the petitioner No.1 in connivance with his brother are unhappy and infuriated with the marriage of petitioner with petitioner No.2 and are extending threat to them.

2. In response to the averments of respondent No. 6 to 11, petitioner No.1 has taken the stance that she was/is sui juris and competent to enter into a marriage contract with petitioner No.2. Their grievance is that official respondents in connivance with the private respondent, are harassing them and interfering in their matrimonial affairs, without lawful justification; that she has contracted marriage with petitioner No.2 Arbab Ali by exercising her right of freewill being sui juris and petitioner No.2 performed of Nikah between petitioner No.1 that she is now his legally wedded wife; that a copy of Nikahnama and affidavit of free will have been filed as Annexure A and B respectively.

3. Learned Assistant P.G. present in Court submits that no harassment shall be caused to the couples on the part of the police. However, the issue of marriage of over marriage if any shall be resolved by the competent forum under the law if the aggrieved party approaches.

4. I have heard the learned counsel for the parties present in court and perused the record with their assistance.

5. Primarily, this is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes; if the parents of the

boy or girl do not approve of such inter-caste or interreligious marriage the maximum they can do if they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate for acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. I therefore, direct that the administration/police authorities will see, if any boy or girl who is major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is neither harassed by anyone nor subjected to threats or acts of violence and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such person(s) as provided by law. However, the above observation is without prejudice to the legal rights of the parties, arising out of the over marriage of the couple, if any, pending before the competent court of law.

6. In view of the above, this petition having served its purpose is disposed of with a direction to the concerned police to provide legal protection to the couple

7. SSP and SHO concerned are also required to protect the petitioners and also secure the PR Bond of the private respondent in the sum of Rs. 500,000/- (Rupees Five hundred thousand only) each and the same shall be kept in the police station to the effect that no harm shall be caused to the petitioners.

8. In view of the above, this Constitutional Petition is disposed of.

JUDGE