

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Misc. Application No. S-411 of 2025

Applicant: Akram Ali *through* Mr. Shoaib Niaz Khaskheli,
Advocate

Respondents No.1 to 3 The State and others *through* Mr. Muhammad Raza
Katohar, Deputy Prosecutor General, Sindh,

Respondents No.5 & 6: Ghulam Hyder and Hubdar Ali, *through* Mr.
Mushtaque Hussain Laghari, Advocate

Date of hearing: 28.7.2025

Date of decision: 28.7.2025

ORDER

Muhammad Jaffer Raza, J.- The instant Cr. Misc. Application has been preferred under Section 561-A, Cr.P.C impugning order dated 31.05.2025 passed by learned Additional Sessions Judge / Ex-Officio Justice of Peace Mirwah wherein the Cr. Misc. Application No.2275/2025 filed by the applicant was dismissed.

2. Learned counsel for the applicant has submitted that he is the father of Mst. Sajjan Khatoon alias Noor Khatoon and the respondent No.4 to 7 are involved in her abduction. He has therefore, prayed that the impugned order may be set aside and direction may be given to the SHO to record statement u/s 154 Cr.P.C.

3. Conversely learned counsel appearing for private respondents had earlier placed on record statement dated 24.7.2025 by virtue of which he file the freewill affidavit and the Nikahnama of the alleged abductee. In addition to the same he placed on record copy of the order dated 08.5.2025 passed by the Judicial Magistrate Faiz Gunj in which certain observations were made and have been impugned by the counsel for the applicant in Criminal Revision No.21/2025 pending before learned 3rd Additional Sessions Judge, Khairpur. He has lastly

prayed that the alleged abductee and the abductor are both before this Court and it is apparent that there is no case of abduction and the instant application is liable to be dismissed.

4. The learned DPG have supported the contentions of the learned counsel for the private respondents and has stated that in light of the fact that Mst. Sajjan Khatoon alias Noor Khatoon has made a statement before the concerned Court regarding her marriage with respondent No.04, the instant application is devoid of any merit.

5. I have all the learned counsel for the respective parties and have perused the record.

6. More particularly, I have perused the impugned order dated 31.05.2025. I agree with the contentions advanced by the learned counsel for the private respondents as well as learned DPG. It is apparent from the perusal of the record that Mst. Sajjan Khatoon alias Noor Khatoon appeared before the Court in an application filed under Section 491 Cr.P.C and her statement was recorded by the Court of competent jurisdiction. The question of abduction at this stage does not arise specifically since she has affected appearance before me and categorically made a statement that she is residing with her husband. She further stated that she feels threatened by the present applicant. In regards to the contention of the counsel for the applicant that she is below the age of 18 years, needful to mention that the above noted Cr. Revision is pending adjudication and therefore, any observations made in this regard by me shall be unwarranted.

7. In the light of what has been held above, I see no any illegality or infirmity in the impugned order, the same is well reasoned and speaking, hence, the instant Crl. Misc. Application is dismissed with the above reasons.

JUDGE