

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constitution Petition No. S- 23 of 2025.

(Ishaque Ali Vs. P.O Sindh and others)

Petitioner : Ishaque Ali son of Ghulamullah Kalhoro,
through Mr. Ghulam Muhammad Barejo, Advocate

Respondents : Province of Sindh and others through, Mr. Abdul
Waris Bhutto, Assistant Advocate General, Sindh.

Date of hearing : 13.10.2025.

Date of Order : 13.10.2025.

ORDER

Ali Haider 'Ada', J:-, The instant petition has been filed by the applicant seeking recovery of his daughter, Mst. Sumera, alleging that she has been kidnapped by the private respondents, who stand nominated in the FIR No.01/2025 registered at Police Station, Airport, for offence under Sections 365-B, 364-A, 506(2), 148, 149, PPC & 3 of T.I.P Act, 2018

2. Learned counsel for the petitioner contends that the alleged detainee is still in the illegal confinement of the private respondents and prays that she be recovered and produced before this Court.

3. Conversely, the learned Assistant Advocate General Sindh, submits that the alleged detainee, Mst. Sumera, has already appeared before the Honourable Division Bench of this Court in Constitutional Petition No. 629 of 2025, wherein she categorically stated that she had contracted marriage of her own free will and consent. In the said proceedings, she further alleged that the present petitioner, being her father, had subjected her to maltreatment and attempted to compel her into a marriage against her will. The Honourable Division Bench, after considering her statement and the material on record, quashed the aforesaid FIR. It is also pertinent to note that the petitioner was duly represented in those proceedings by the same counsel who has now filed the present petition, thereby raising a plea which has already been adjudicated upon by the Division Bench of this Court.

4. Heard the learned counsel and perused the record.

5. The primary object of a *habeas corpus*, is to secure the liberty of a person who is alleged to be in illegal or unlawful detention. However, in the present

case, the record clearly reflects that the alleged detainee has already appeared before Honourable Division Bench of this Court and stated on oath that she is living of her own choice, having entered into marriage voluntarily, and that she is not under any illegal confinement. Once the alleged detainee has appeared before the Court and her statement has been duly recorded, the question of illegal detention no longer survives. It, therefore, appears that the present petition has been filed without disclosing the complete facts and is an attempt to re-agitate a matter which has already been decided. The petition, being frivolous, and devoid of merit, does not warrant any interference by this Court. Accordingly, the instant petition is hereby dismissed as misconceived and not maintainable.

JUDGE