

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Cr. Misc. App. No. S – 410 of 2024**

*(Ali Dino v. Station House Officer P.S Sorah and others)*

Date of hearing : **05.11.2025**

Date of decision : **05.11.2025**

Mr. Irshad Hussain Dharejo, Advocate for applicant.  
Mr. Sarfraz Magsi, Advocate for respondents No.2 and 5.  
Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

## **ORDER**

**Mahmood A. Khan, J.** – By way of this application under Section 561-A, Cr.P.C., the applicant has impugned the order dated 29.04.2024 of the Additional Sessions Judge-III, being Justice of Peace, Khairpur, whereby the application under Section 22-A and 22-B, Cr.P.C. requiring order of lodging of FIR was dismissed on the ground that the abductee may have conducted a freewill.

2. Learned Counsel for the applicant contends that the order dated 29.04.2024 has been passed without considering the deposition of the abductee recorded before the Additional Sessions Judge-III, Khairpur, in Cr. Misc. Application No.141/2024, whereby the abductee herself had stated that she was abducted by force. It is further contended that the impugned order is liable to be set aside and directions be passed for recording of the applicant's statement under Section 154, Cr.P.C., and in case cognizance is available, FIR be lodged.

3. Learned Counsel for the private respondents, however, in the first round, took time to submit documents contending that a freewill having been conducted and same was recorded before the Court; however, he was only able to come up with a single page of an order dated 22.04.2024, whereby the claimed recording is not available. Learned Counsel for the private respondents further contends that the alleged abductee having conducted a freewill marriage, and in this regard, a suit

of restitution of conjugal rights has also been filed by the private respondent concerned. He was, however, unable to show the consent of marriage by the alleged abductee recorded before any Judicial Officer.

4. Learned Deputy Prosecutor General, in the circumstances, does not support the impugned order and concedes to allowing the application.

5. Having heard the learned Counsels and gone through the record, in the present matter, the forcible abduction or the freewill consent marriage is under question. The abductee has apparently only recorded her statement to the effect that she was abducted by force, and in the said circumstances, marriage is not found liable to be considered of any value to restrict lodging of the FIR.

6. Accordingly, the impugned order stands set aside and directions are issued to the concerned Police Station that in case applicant records his statement under Section 154, Cr.P.C. and a cognizable offence is made out, FIR be lodged.

The criminal miscellaneous application stands **disposed of** in the above terms.

J U D G E

Abdul Basit