

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Revision Application No.S-120 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
<u>22.12.2025</u>	

Barrister Jawad Ahmed Qureshi, Advocate for the applicant
Mr. Shahriyar Shar, Advocate for respondents No.1,3,6 & 10
Mr. Altaf Khokhar, D.P.G for State

Applicant Muhammad Imran, father of Mst. Khizra, about 15 years old (also the minor detainee), has filed this Criminal Revision Application, aggrieved by the Order dated 27.10.2025 passed by the learned VII-Additional Sessions Judge, Hyderabad, in Criminal Miscellaneous Application No.697/2025, filed by him. In the proceedings before the lower forum, the 15-year-old detainee, Mst. Khizra appeared in person and recorded her statement in the following terms:

“I do not want to go with my father because I have apprehension of danger to my life. My father wants to solemnize my marriage against my will and wish, but I want to study and establish my career. I want to live with Mst.Humera, who has brought up me. She has love and affection with me, therefore, I want to go with her and live my life.”

Based on the above statement, the learned VII-Additional Sessions Judge, Hyderabad, passed the following impugned order:

“In view of the statement of Mst.Khizra (detainee), she is set at liberty to go and live her life as per her will and wish.”

The impugned order of the learned VIIth Addl Sessions Judge aggrieves the applicant/father. Counsel for the applicant/father argues that the learned VIIth Addl Sessions Judge has not articulated any reasons as to why the custody of the minor detainee should remain with respondent No.8, Mst. Humaira, is a stranger to her, and the applicant/father, is her legal guardian. On 04.12.2025, the detainee Mst. Khizra (minor), aged about 15 years and

respondent No.8 Mst. Humaira were both present before this bench, and the former reiterated her earlier statement verbally as reproduced above.

It transpires that the matter concerning the custody of the minor Khizra (the detainee) is also pending before the Family Court, Hyderabad, in the Guardian and Wards Application No. 470/2025. As the detainee has been produced before this Court and given that this Bench is exercising jurisdiction under the provisions of the Criminal Procedure Code, whereas the issue of custody squarely falls within the domain of the Guardian and Wards Act, 1890, read with the Family Courts Act, 1967, learned counsel for the applicant does not press the instant Revision Application. Accordingly, the Revision Application is dismissed as withdrawn. However, the applicant shall be at liberty to move an appropriate application before the relevant forum, if so advised.

It is clarified that the observations made by me, including the statement made by the detainee, Mst. Khizra (detainee), on 27.10.2025, before the Sessions Judge, and those reproduced above as well as reiterated before this Court, shall not be relied upon by any of the parties nor the Guardian Judge in the custody proceedings. The purpose of reproducing the statement and observations is/was for the sole purpose of determining the criminal applications, and the Guardian Judge will decide custody, interim or otherwise, independently.

Given the above, this Cr. Revision Application stands dismissed in the above terms.

JUDGE

AHSAN K. ABRO