

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No. S-678 of 2025

| DATE OF HEARING | ORDER WITH SIGNATURE OF JUDGE |
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1. For hearing of main case.
2. For hearing of MA No. 6198/2025. (Rule Nisi)

ORDER
13.11.2025

Mr. Mashooq Ali Ghanghro advocate for the applicant.
Mr. Toufiq Hussain Noonari, advocate for respondents No. 6 & 7.
Irfan Ali Kamboh, Respondent No.5 (In person)
Mr. Muhammad Raza Kaohar, Deputy P.G for the State.

This Criminal Miscellaneous Application, filed under Section 491 of the Code of Criminal Procedure, has been brought before this Court by the applicant, Mst. Zikra, who has made a grave allegation that her minor son, Muhammad Sadan, aged about one and a half years, is being unlawfully detained by her husband, Irfan Ali (respondent No.5), and his family members. The applicant has prayed for the issuance of a Rule Nisi, which was duly issued by this Court, directing the SHO, Police Station Mehrabpur, to recover and produce the alleged detainee before the Court through his father, Irfan Ali (respondent No.5).

Upon notice, respondents No. 6 and 7 appeared through their respective counsel and submitted that the alleged detainee, Muhammad Sadan, is not in their custody. Respondent No. 5 appeared in person and filed, under cover of his statement, a certified copy of Guardianship Application No.26/2025, which has been filed by him against the applicant before the Court of Senior Civil Judge/Family Judge, Mehrabpur, and the same has been taken on record.

After hearing the arguments of both parties at length, it has become manifest that both sides are in agreement that the alleged detainee is not presently in their possession. In view of the paramount importance of safeguarding the welfare and best interests of the minor child, the Court deems it imperative to ensure the immediate recovery of the child and to prevent any further delay or obstruction in the process. Accordingly, the SHO, Police Station Mehrabpur, is directed to register an FIR in accordance with the verbatim statement of the applicant and to ensure the prompt recovery of the alleged detainee. Furthermore, the SSP, Naushahro Feroze, is directed to appoint an honest and impartial police officer, not below the rank of DSP, to investigate the matter and to personally monitor the investigation process.

The instant application, along with the listed application(s), stands disposed of accordingly.

JUDGE