

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Constitutional Petition No. D-480 of 2026*

*[Mst. Jamailan Khatoon and another vs. Province of Sindh and others]*

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| Date | Order with the signature of the judges |
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***Before:-***

***Mr. Justice Amjad Ali Bohio,  
Mr. Justice Ali Haider 'Ada'.***

**02.04.2026.**

Mr. J.K Jarwar, Advocate for Petitioners.

Mr. Ali Raza Balouch, Additional Advocate General Sindh, along with SI/I.O Muhammad Yaseen of P.S Hingorja.

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In pursuance of the earlier order of this Court, the Investigation Officer is present and submits that he has recorded the statement of Petitioner No.1. Respondent No.6,/father of petitioner No.1, who is the complainant in the FIR alleging abduction and is also present and is represented through his learned counsel, Mr. Ali Hassan, Advocate, who has filed Vakalatnama on his behalf. He has placed on record a birth registration certificate to assert that petitioner No.1 is a minor.

Petitioner No.1, in her statement, has reiterated and endorsed her affidavit of free will and Nikahnama, stating categorically that she was neither kidnapped nor wrongfully restrained, and that the FIR lodged by her father is false. She has thus not supported the allegations leveled by respondent No.6.

The Investigation Officer further submits that, in light of the statement so recorded, he shall complete the investigation and submit a report before the competent Court of jurisdiction in accordance with law.

The objection raised by respondent No.6 regarding the minor age of petitioner No.1, in this regard, reliance is placed upon the

judgment of the Honourable Federal Constitutional Court of Pakistan in FCPLA No. 536 of 2025, wherein it has been observed (inter alia, in paragraph 18) that once the alleged abductee appears and makes a statement of free will, the husband assumes the status of a lawful guardian, and the marriage cannot be termed void, nor can the custody with the husband be considered illegal or unlawful.

In view of the above facts and circumstances, the instant petition is disposed of with the direction to the police functionaries to provide protection to the petitioners as and when approached. The Investigation Officer is further directed to do needful in accordance with the Law.

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