

Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 1075 of 2020

Sheraz Ali

Vs

Station House Officer, P.S. Koral, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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- 04) 16-04-2020. M/s Kaleem Ullah Bhatti and Jawad Ahmed
Advocates, for the petitioner.
Mr M. Atif Khokhar, Standing Counsel.
Syed Abbas Ali Shah, respondent no. 2, in person.
M/s Asjid Mehmood SHO and Mumtaz Baig SI/IO,
with record.

Through this petition the petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 [hereinafter referred to as the "**Constitution**"] seeking a writ to quash FIR No. 144/2020, dated 18.03.2020, registered at Police Station Koral, District Islamabad alleging commission of an offence under section 365-B of the Pakistan Penal Code, 1860 [hereinafter referred to as the "**FIR**"].

2. The facts, in brief, are that the FIR was registered on the complaint of Syed Abbas Ali Shah son of

Abid Hussain Shah [hereinafter referred to as **"Respondent no. 2"**]. The latter is father of Ms Amiena Mariam wife of Sheraz Ali [hereinafter referred to as **"Respondent no. 3"**]. Respondent no. 3 had disappeared since 17.03.2020. The age of Respondent no. 3 mentioned in the complaint was 27 years. It was further alleged that the petitioner may have abducted his daughter. The petitioner and Respondent no. 3 had appeared before this Court on 03.04.2020 and then on 07.04.2020. Both are adults and they had unequivocally stated that they have entered into a marriage contract out of their free will. The statement of Respondent no. 3 was also recorded on 26.03.2020 by the learned Judicial Magistrate 1st Class, Sheikhpura wherein she had unambiguously stated that she had entered into a marriage contract on 25.03.2020, with the petitioner out of her free will and consent. Same statement was also reiterated by her before this Court. However, an opportunity was afforded to the Investigating Officer to conclude his investigations. This Court has been informed today, that the petitioner as well as Respondent no. 3 had appeared before the Investigating Officer and had reiterated their statements made before this Court and the learned Judicial Magistrate, Sheikhpura. The allegation stated in the FIR was to the extent that

Respondent no. 3 had been forcibly abducted by the petitioner. Respondent no. 3 is 27 years old and, therefore, a mature adult. She has unequivocally stated that she had entered into a marriage contract with the petitioner out of her free will and consent. This Court has no reason to form a different opinion.

3. In the facts and circumstances of the case proceedings before the learned trial Court pursuant to registration of the FIR would be a futile exercise. The Investigating Officer has not yet submitted report under section 173 of the Code of Criminal Procedure, 1898.

4. For the above reasons, this petition is **allowed** and consequently the FIR is directed to be quashed.

CHIEF JUSTICE

Tanveer Ahmed.