

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.2772/2019

Farhat Khurshid

Versus

Additional Sessions Judge, Islamabad etc

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(4)	16.08.2019	Mr. Muhammad Inam Mughal, Advocate for petitioner. Petitioner in person. Barrister Ayesha Siddique Khan, State Counsel. Mrs. Kalsoom Khaliq, Advocate for respondents No.2 to 4. Respondents No.2 to 4 in person. Haider Abbas ASI of P.S. Secretariat, Islamabad. Muhammad Afzal SI of P.S. Khanna, Islamabad.

Through this writ petition, petitioner has assailed the order dated 30.05.2019 passed by learned Additional Sessions Judge, Islamabad (West) whereby, petition under section 491 Cr.PC filed by the petitioner has been dismissed.

2. Learned counsel for petitioner contends that respondent No.4/Aksa Kanwal/real daughter of petitioner, who was kidnapped by respondents No.2 & 3 and compelled to enter into marriage contract on 02.10.2018 under the duress and coercion; that learned Additional Sessions Judge, Islamabad (West) has not considered the merits of case as well as law on subject and dismissed the petition despite the fact that the petitioner's claim was about life and liberty of her daughter Aksa Kanwal in terms of fundamental guarantees provided in the Constitution of Islamic Republic of Pakistan, 1973.

3. Conversely, learned counsel for respondents No.2 to 4 contends that respondent No.4/Aksa Kanwal entered into marriage with her free will with respondent No.2 on 02.10.2018 and at present is living with him in a peaceful manner and was not forced to enter into matrimonial bond.

4. Arguments heard, record perused.

5. Perusal of record reveals that the petitioner Farhat Khurshid (real mother of alleged abductee) filed petition under section 491 Cr.PC for recovery of her daughter/respondent No.4 aged about 19 years, who was allegedly kidnapped and forced to enter into matrimonial bond with respondent No.2 on 02.10.2018 against her wishes. Notice was issued to respondents No.2 to 4 whereafter, respondent No.4 (alleged abductee) put appearance before the Court today. She was interviewed at length, however she negated the version of petitioner and stated that she is educated lady and *sui-juris*, who can understand the nature of her relationship with respondent No.2. Respondent No.4 further stated that she was neither kidnapped nor abducted by anyone rather she entered into Nikah with respondent No.2 with her own free will.

6. After recording of statement of respondent No.4 in open Court, both the parties were given time of two hours to settle the family dispute outside the Court. Case was again called whereupon, respondent No.4 reiterated her previous stance and expressed her

willingness to call her mother (present petitioner) on mobile as and when she likes. She further states that she will visit her mother and other family members whenever she feels comfortable.

7. In view of above, claim of petitioner is not made out as respondent No.4 is *sui-juris*, who entered into marriage contract with respondent No.2, on 02.10.2018 and since 23.01.2019, she is living with her husband. There is no element of kidnapping and abduction, therefore, instant writ petition is misconceived, same stands dismissed. Office is directed to transmit copy of this order to the S.H.O. Police Station Secretariat, Islamabad for information.

(MOHSIN AKHTAR KAYANI)
JUDGE

Imran