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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Tassaduq Hussain Jilani
Mr. Justice Karamat Nazir Bhandari

Human Rights Case No.3403/2006
(Complaint by Mst. Fareeda)

Complainant Not Present.

Date of hearing 12.7.2006

ORDER

Iftikhar Muhammad Chaudhry, CJ In pursuance of order dated 21.6.2006, learned Sessions Judge Mirpur Khas, has submitted a report, a perusal whereof indicates that grievance of the complainant has been redressed. Hence, this case is disposed of as no further action is called for. Order be communicated to applicant through Sessions Judge, Mirpur Khas.

Lahore
12th July, 2006.
Nisar

Nisar
12/7

3403

To,

The Honourable Chief Justice,
Supreme Court of Pakistan,
At Islamabad.

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8/6

SUBJECT: DAUGHTERS OF PAKISTAN ARE BEGGING FOR JUSTICE.

Respected Sir,

We the undersigned daughters and daughter-in-laws of Fateh Ali, R/o House No.8, Block No.48-D, Scheme No. III, Satellite Town, Mirpurkhas, Sindh pray for justice on the circumstances of the following facts.

1/- That our father Fateh Ali S/o Barkat Ali aged about 75 year is retired peon in education department, at present he was selling grams (Chholay) on pushcart for earning livelihood for his family. We have two brother wherein one Sajid Ali is T.B patient, (at present confined in jail regarding above subject matter) while Majid Ali is electrician at shop in Mirpurkhas.

2/- That our father Fateh Ali has one above referred house, which was in possession of one Qasim Ali S/o Sher Mohammad and his wife Mst: Maryam/being tenant who was not paying the rent, therefore our father filed R.A No. 04/ 2001 titled Fateh Ali Vs Mohammad Qasim before the Ist: Rent Controller Mirpurkhas, such Rent Application was allowed on: 31.7.2002 (Copy of Order dated:31.7.2002 is submitted herewith as Annexure "A"), thereafter Mohammad Qasim allege abducted filed F.R.A 83/ 2002 titled Mohammad Qasim Vs Fateh Ali before the Ist: Additional District Judge Mirpurkhas, the learned Ist: Add: District Judge Mirpurkhas upheld the order of the Ist: Rent Controller Mirpurkhas vide his judgment dated: 25. 10. 2004 (Copy of Judgment dated: 25.10.2004 is submitted herewith as Annexure "B"), whereupon our father Fateh Ali filed Rent Execution Application No. 01 of 2005 before the Ist: Rent Controller Mirpurkhas for obtaining the possession from the tenant Mohammad Qasim/ allege abducted. In rebuttal Mohammad Qasim filed C. P. No. S. 25 of 2005 titled Mohammad Qasim Vs Fateh Ali before the Honourable High Court of Sindh Circuit bench at Hyderabad, such C.P. No.S-25/2005 was

dismissed on:28.3.2005 in non-prosecution as per affidavit of Mohammad Qasim filed in R.A. Ex: No: 01 of 2005 before learned Ist: Rent Controller Mirpurkhas on: 31.5.2005, thereafter the Ist: Rent Controller Mirpurkhas Allowed the R.A.Ex: No:01 of 2005, and issued the writ of possession in favour of our father Fateh Ali whereupon the possession of the premises/ House No. 8 block No.48-D, Satellite Town, Mirpurkhas delivered to our father Fateh Ali On: 09.8.2005 with the help of bailiff and Mr. Bhuromal, Taluka Investigation Officer Mirpurkhas (the than SHO of PS Satellite Town, Mirpurkhas). **(Copies of Orders dated: 08.7.2005, 04.8.2005, Writ of possession, letter of police aid and mushirnama of bailiff are submitted herewith as Annexure "C", "D", "E", "F" & "G").**

3/- That as Mohammad Qasim/ allege abducted has informed about the possession of the premises. He on 10.8.2005 based on ammunitions along with companions/vagabonds persons tried to dispossess our father Fateh Ali along family from the said premises for which our father moved application to DPO Mirpurkhas on:11.8.2005, such application forwarded to SHO PS Satellite Town vide letter No.NOCC/2211 dated: 11.8.2005 with order "Pls look into the matter, take necessary legal action according to law" but SHO PS Satellite Town failed to take any action against the culprit **(Copy of Application submitted herewith as Annexure "H")**, therefore an other application was submitted to (Mr.Faiz Rasool Rashdi) the learned Sessions Judge/ Human rights Mirpurkhas on: 03.9.2005 **(Copy of Application submitted herewith as Annexure "I")** so also sent telegrams to Honourable Chief Justice High Court Sindh Karachi, Home Minister Sindh at Karachi, Inspector General of Sindh Police at Karachi, District & Sessions Judge Mirpurkhas, District Police Officer Mirpurkhas & SHO PS Satellite Town Mirpurkhas **(Copy of telegrams submitted herewith as Annexure "J", & "K")** but no body heard our father cries and all efforts are in vain. However after the written complainant made by our father, allege abducted/ Mohammad Qasim shifted at Karachi along with his childrens & wife, and thereafter his wife Mst: Maryam return back alone from Karachi and started to move false application regarding alleged kidnapping of Mohammad Qasim to higher police officials requesting therein for the recovery of Mohammad Qasim/ allege abducted.

4/- That on the applications of the Mst: Maryam, the Additional Inspector General of Police (Investigation) Sindh Karachi

took notice and directed to AIGP Crimes & Investigation Hyderabad Region Hyderabad vide Order No. Rdr/ 1582 dated 27.10.2005 for the recovery of Mohammad Qasim husband of Mst: Maryam. As per order of the Additional Inspector General of Police (Investigation) Sindh Karachi, the AIGP Crimes & Investigation Hyderabad Region Hyderabad deputed his Inspector Sardar Khan Mengal of Crime & Investigation Branch Hyderabad who came at Mirpurkhas and interrogated on the application of Mst: Maryam regarding the recovery of his husband Mohammad Qasim by calling our father and brother at PS. Satellite Town and this facts are very well known in the knowledge of Taluka Investigation Officer Mr. Bhuromal (the than he was SHO PS S.Town). On: 19.11.2005 an advertise published in daily newspaper "Pasban" Hyderabad by Mst: Maryam W/o Mohammad Qasim/ allege abducted shown her present address House No. 44, Unit No. 9, Hyderabad. **(Copy of daily newspaper "Pasban" submitted herewith as Annexure "L")**

5/- That after conducting the enquiry relating to kidnapping of Mohammad Qasim husband of Mst: Maryam ^{Inspector Mengal} he submitted his report, statement and relevant papers in 22 leaves to AIGP Crimes & Investigation Hyderabad Region Hyderabad. Based on the enquiry the AIGP Crimes & Investigation Hyderabad Region Hyderabad submitted the report along with his recommendation vide letter No. AIGP/CR/INV/379/Hyderabad, dated: 06.4.2006, wherein he stated that:

"Enquiry Officer after conducting enquiry has reported that applicant lady has moved a baseless application to the high ups only for wastage of precious time of Police. As the matter is purely of civil nature and the same has been decided by the court of Ist. Senior Civil Judge Mirpurkhas in favour of Opponent Fateh Ali".

(Copy of letter of AIGP submitted herewith as Annexure "M").

6/- That On: 06.01.2006 in the mean time Mst: Maryam submitted an Misc: Crl. Appln: No. 01 /2006 titled Mst: Maryam vs (1) SHO Ps. Satellite Town, (2) Fateh Ali S/o Barkat Ali, (3) Sajid Ali S/o Fateh Ali, (4) Majid Ali S/o Fateh Ali before the learned Ist. Additional Sessions Judge Mirpurkhas (Mr. Mohammad Yamin Khan). **(Copy of Application submitted herewith as Annexure**

“N”). Where upon Notice were issued to SHO PS Satellite Town, who inclusion with Mst: Maryam submitted his report regarding the civil litigation and suppressed the facts mentioned in para No. 4 & 5, while our father Fateh Ali also filed objection along with all relevant documents and informed the facts mentioned in Para No. 4 & 5 through his Council to (Mr. Mohammad Yamin Khan) Learned Ist. Additional Sessions Mirpurkhas, who ignored the factual controversy between the parties so also failed to conduct the enquiry but called to our father and brothers from January 2006 to 16.5.2006 on every date of hearing of Application U/S 22-A Cr.P.C (what was the intention behind it known to him better) and passed order on: 16.5.2006 and directed to SHO “to record the statement of applicant (Mst: Maryam) and register her FIR if a cognizable offence is made out”. Without thought that this order will be affected upon all family if our mail family member will arrest (**Copy of the order dated: 16.5.2006 submitted herewith as Annexure “O”**).

7/- That the SHO PS Satellite Town Mirpurkhas on the basis of the order dated:16.5.2006 passed by the learned Ist.Additional Sessions Judge Mirpurkhas lodged the FIR vide Crime No.44/2006 on 20.5.2006 at 1730 hours for the alleged occurrence committed on 16.8.2005 at 0100 hours in night. (**Copy of the FIR submitted herewith as Annexure “Q”**). It is further submitted that Mst:Maryam has been changed three version regarding the concocted story of kidnapping such i.e in daily news paper “Pasban” dated:19.11.2005 (Annexure “L”), in Application U/S 22-A duly supported by her affidavit (Annexure “N”) and in her FIR (Annexure “R”).

8/- That after receiving the FIR, In charge Investigation Team (Sub-Inspector Raja Mohammad Yousuf) of PS Satellite Town, Mirpurkhas trespassed in our house without lady police and arrested our brother Sajid Ali on 21.5.2006 in Sunday morning and thereafter in evening he visited our house shown his sympathy with us that he knew about this false case of abduction and if we shall pay Rs.30,000/- he will not beating to our brother Sajid Ali during police remand, he will bring to Mohammad Qasim/ allege abducted from Karachi and he will disposed off the case in false class, as Mst: Maryam has managed the alleged occurrence of abduction of his husband Mohammad Qasim on saying of one Saeed Kaliya a gangster/ bad man, who has been served imprisonment of 14 years in prominent double murder case (of to brothers Naseem and Shamim)

and Mst: Maryam will not spare us with the help of such Saeed kaliya. He further told that we are women and in absence of our father and brothers we have to reside alone and it will not be better for our modesty. On the other hand, he offered to compromise with Mst: Maryam by handing over the possession of disputed house to her through registered sale deed in her favour which possession has been given to our father through Ist. Rent Controller Mirpurkhas.

8/- That as we are poor ladies depending to our father and our brothers, wherein one Sajid Ali was arrested while we do not know about our father and brother Majid Ali. We excused from him that we can not pay Rs.30, 000/- to him and we can not take any decision in absence of our father and brothers, thereupon he became annoyed and threatened to us that he shall shake hand with Mst: Maryam and he will prove the case in investigation against our father Fateh Ali and brother Sajid Ali & Majid Ali and went away. It is in the knowledge of the Icharge investigation Team (Sub-Inspector Raja Mohammad Yousuf) that on.12.12.2005 Mst: Maryam has received a cross Cheque amounting to Rs.5,000/- of Mohammad Qasim/ allege abducted through register post issued from the Bait-ul-maal Karachi, such cheque was deposited in the account of Mohammad Qasim which can only be cashed from the account of Mohammad Qasim through the cheque of Mohammad Qasim/ allege abducted, further in last week of May 2006 Mohammad Qasim has sent a money order of Rs.1,000/- on the name of Mst: Maryam from the P.O of Surjani Town, Karachi and as we have seen the post man on the house of Mst: Maryam bearing No.13 Block No.43, Satellite Town, situated some house ahead in front row of our house, she refused to receive such money order, in spite of such clue the In charge Investigation Team (Sub-Inspector Raja Mohammad Yousuf failed to conduct investigation impartially

9/- That on yesterday i.e. 03/04.6.2006 in night we the ladies along with our nephew namely Rehan and Imran were sleeping in the house that at about 3-00 or 3-30 am we heard that a car and one motor cycles stopped on the door of our house, thereafter some one knocked on the door, we woke up and asked that who are you, some one replied that they are police official and directed to open the door, we refused to open the door and told that if they are police official than they must come in day light, on which they started abusive language

and knocked the door through iron thing, we bib out from the door and saw that there were six person wherein four person were armed with pistol were standing in front of door while one person was sit on motor cycle CG 125 of red colour and second was sit on the driving seat of Suzuki car of white colour. Thereafter two of them in which one was fatty man and second person had long hair tried to jump over the roof of our house but due to mud construction they fell down along with bricks of the roof, than they knock the door of our neighbor namely Abid, who bring them on his roof where from they (four person) jumped on over roof of over house, we started cries but no mohallah peoples come for our help, therefore we started through the stone towards them and they were shown their pistol in order to afraid us, at that time in the light of the bulb our nephew Rehan & Imran identified two person wherein one fatty man was Fayyaz kabariya and second was Nazeer Rajput residing back side/ eastern side of Malik Riaz Colony, Satellite Town Mirpurkhas,^{who} threatened to keep the mouth shut other wise they will kill us who started to thrown the bricks of the roof towards us, during the resistance we called the police on 15 on which Fayyaz Kabaria and Nazeer Rajput along with two other person again climbed our the roof of the Abid's house inclusion with Abid and thereafter from the door they came down and run away after sit in car and motor cycle after issuing threats that they will come again to kill us if we shall not deliver the possession of the house to Maryam. In the meantime two police official of 15 came on motor cycle, and soon after an ASI namely Mohammad Haneef Rajput came there along with his sub-ordinate staff in police mobile, we narrated the facts to them and shown the place of broken roof wall, so also bricks thrown by the accused namely Fayyaz and Nazeer Rajput on the cots lying in courtyard of the house. The ASI told to our nephew to come at police station and lodged the FIR, when our nephew Rehan and Imran went at police station at 5-00 am, where duty officer refused to lodge the FIR without permission of the SHO. Therefore, we took help of press media who promised to help us to do justice impartially.

Respected Sir,

We are poor women, we can not afford the fees of the advocates to knock the door of the court, nor we have surety papers for getting the bail of father and brothers and after this managed occurrence of kidnapping, we are passing miserable , became unshelter and hand to mouth because after our father and brothers there

is no person who can provide shelter , In the light of the facts and circumstances supported by the relevant documents we pray that:-

After the Allah, there is no shelter upon our heads except you to save our lives, modesty and who to do justice with our father and brothers in false FIR No.44/2006 of alleged kidnapping of Mohammad Qasim husband of Mst: Maryam. of PS Satellite Town, Mirpurkhas, for which ^{we} can only pray for justice.

The prayer is made in the interest of justice.

Dated:05.6.2006.

Applicants.

Mirpurkhas (Sindh)

قریباً

(1) Mst: Fareeda D/o Fateh Ali,
Wd/o Mohammad Yousuf Khan.
NIC No. 44103-8132472-2.

(2) Mst: ^{Nasim alias Noor D/o Fateh Ali} Noor D/o Fateh Ali,
wd/o Hamid Ali.
NIC NO. 44103-972-8

(3) Mst: Parveen W/o Sajid Ali,
Daughter-in-law of Fateh Ali.
NIC No. 44103-7560212-8.

(4) Mst: Nasreen W/o Majid Ali,
Daughter-in-law of Fateh Ali.
NIC No. 44103-8054729-4

Copy Submitted for information and necessary action.

- 1) To the Honourable Chief Justice High Court of Sindh at Karachi.
- 2) To the Honourable District & Sessions Judge Mirpurkhas.