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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Khilji Arif Hussain
Mr. Justice Khalil-ur-Rehman Ramday

Human Rights Case No.5466-P of 2010
(Application by Rukhsana Bibi thr.
News Clipping in daily "News Mart
dated 22.02.2010)

On Court Notice: Mr. Yousaf Leghari, A.G. Sindh
Mr. Alan Khan, DSP, Ghotki
Mr. Abdul Rashid, SIO
Ms. Shahida Parveen, H/C
With Ms. Rukhsana Parveen
& Ameer Abbas

Voluntary appeared: Mr. Shaiq Usmani, Sr. ASC

Date of hearing: 06.04.2010

ORDER

This suo moto action has been taken in pursuance of news published in daily "News Mart" in respect of the tale of Mst. Rukhsana Parveen and Ameer Abbas, wherein it was mentioned that being grown up, they have contracted marriage with their free will but their relatives got registered FIR being No.126/09 u/s 365-B, PPC, at PS Aadil Pur, District Ghotki against them. Although they being sui-juris have legal right to live as per their accord yet they are apprehending danger to their lives, particularly when they have to go to Ghotki in response to the notice being issued by the Court for attendance of the case, registered against them.

2. It may be noted that according to the facts brought on record, the couple had contracted marriage in Bahawalnagar; both seem to be grown up. As far as Mst. Rukhsana Parveen is concerned, she is educated lady as she is M.A. Psychology whereas Ameer Abbas has done Master in Mathematics, therefore, there is no question of abduction or kidnapping to the lady by him. They contracted marriage according to their free will and are living by exercising their fundamental rights. However, they have been produced by the Advocate General from Islamabad where presently they are living because of apprehending to stay in the Province of Sindh, particularly, in Ghotki, the area, to which they belong.

3. On having examined the case and hearing their viewpoints, we are of the opinion that there is no justification for registration of the case against them u/s

365-B, PPC. Therefore, we direct the Advocate General to approach the Government of Sindh for the purpose of cancellation/withdrawal of the FIR. As they have been brought from Islamabad by police therefore, they are directed to be taken back to Islamabad as free person, not in custody. Mr. Alan Khan, DSP is directed to take them back safely so no one may cause any loss to their persons or properties. Learned Advocate General stated that he would arrange air tickets for the couple as well as the DSP today for Islamabad. The SPO is directed to submit report to the Registrar of this Court at Islamabad that he has complied with the orders of this Court and couple has reached safely over there.

4. Copy of this order be sent to the I.G. Islamabad with direction to provide them protection during the period of their stay over there, so no one may cause loss to their lives and properties. Copy of this order be also sent to the Court seized with the matter, not to issue any process against them and in the meantime the Government will withdraw/cancel the FIR.

5. It is informed by Mr. Ameer Abbas that his parents/relatives are also being harassed by the relatives of Mst. Rukhsana Parveen, therefore, under the circumstances, we direct the PPO, Sindh through the Advocate General that they should also provide protection to them, so they may assume their daily routine work and no one should cause any loss to them.

Disposed of.

Karachi, the
6th April, 2010
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