IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT.

Before:-
    Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
    Mr. Justice Javed Iqbal, Judge.

Cr. Appeal No. 06/ 2018
In
Cr. PLA No. 11 /2018

Mst. Rabia & another   **Petitioners.**
                              Versus

The State   **Respondent.**

PRESENT:-
1. Malik Kifayat-ur-Rehman Advocate alongwith Mr. Aurangzeb Khan Advocate-on-Record for the petitioners.
2. Mst. Rabia (petitioner) is present in person.
3. The Advocate General Gilgit-Baltistan for respondent.

DATE OF HEARING: - 15.05.2018.

JUDGMENT.

    Dr. Rana Muhammad Shamim, CJ….. The learned Advocate General present in court waived notice. It has been pointed out by the office of this court that this petition for leave to appeal is barred by time for a period of 24 days. The Civil Misc No. 06/2018 for condonation of delay has been filed by the petitioners. We have gone through the said application for condonation of delay. The reasons/grounds given in the application in question are plausible and reasonable, hence, the same is allowed. Consequently, the office objections are overruled.

    This Criminal petition has arisen out of the impugned order dated 14.12.2017 in Cr. Misc. No. 193/2017 passed by the learned Chief Court whereby the said Cr. Miscellaneous filed by the petitioners was dismissed being devoid of merit.

2.   Briefly, the facts of the instant proceedings are that the complainant namely Abdul Wakeel has filed written application in Police Station Thore, District Diamer contending therein that on the night between 26 & 27-10.2017 his daughter Mst. Rabia was abducted by one Sanaullah and Imran on the vehicle and forcibly taken away to unknown place. On 30.10.2017, the petitioner has contracted Nikah/marriage with Sanaullah at Dir Bala KPK. The Nikah was solemnized by Nikah Registrar (Nikah Khuwan) namely Muhammad Dawood. The petitioner No.01 i.e. Mst. Rabia recorded her statement under Section 164 Cr.PC alongwith affidavit before the Assistant Commissioner Dir Bala to the effect of her free will for solemnizing such marriage. On 14.12.2017, the petitioners filed Criminal Misc. No. 193/2017 under Section 561-A for quashment of FIR No. 29/2017 registered in Police Station Thore under Section 363, 365-B, 109, 34 PPC before the learned Chief Court which upon hearing was dismissed, hence, this petition for leave to appeal.

4.   Malik Kifiyat-ur-Rehman learned counsel for the petitioners alongwith Mst. Rabia (petitioner) is present in Court today. The petitioner was asked as to whether she was abducted by accused Sanaullah and Imran or she contracted her marriage with free will? On court question, she stated that nobody has abducted her and she contracted her marriage with her own consent and free will. Per learned counsel, the FIR No. 29/2017 registered at Police Station Thore, District Diamer or any proceeding if initiated in the court of law against the petitioners be quashed.

4.	We have heard the learned counsels for the respective parties at length, perused the material on record and gone through the impugned order passed by the learned Chief Court. The petitioner Mst. Rabia has stated in this court as well as before the local Magistrate and in the learned Chief Court that nobody has abducted her. She contracted marriage with Sanaullah with her consent and free will. To continue Criminal proceedings against the petitioners after above statement of Mst. Rabia would be an abuse to the process of Court. The impugned order passed by the learned Chief Court is not tenable in law being not well reasoned and well founded.

6.	In view of the above discussions, this petition is converted into an appeal and the same is allowed. Consequently, the impugned order dated 14.12.2017 in Cr. Misc. No. 193/2017 passed by the learned Chief Court is set aside. The FIR No. 29/2017 under Section 363, 365-B/109/34 PPC registered at Police Station Thore, District Diamer and/or proceedings, if any, pending in the learned Trial Court arisen out of said FIR are hereby quashed.

7.	The appeal is allowed in above terms.

Chief Judge.

Judge.