

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No.D-733 of 2025
[Fahad Kamr versus Inspector General Sindh and others]

Date	Order with signature of Judge(s)
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- 1. For order on office objection Nos.1 to 7 and reply of counsel thereof as “Flag –A”
- 2. For order on CMA No.5843/2025 (Stay)
- 3. For hearing of main case

Date of hearing and order:- 22.9.2025

Mr. Raj Ali Wahid Kunwar advocate for the petitioner
Mr. Qamaruddin Nohri, Deputy PG
Mr. Raza Mian, DSP (Legal-II) CPO

ORDER

Adnan-ul-Karim Memon, J. Petitioner Fahad Kamr has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer:-

- (a) To direct the Respondents to place before this Honorable Court the number and nature of the cases/ inquiry(ies) / investigation(s) / FIR(s) / Complaint(s) registered against the Petitioner, and present any material if so available to show the probable arrest of the Petitioner after making through inquiries/investigation (s) / FIR(s) / Complaint(s) from their subordinates in their respective jurisdiction. The servants, agents, and employees of the Respondents or any other person claiming through or under them be restrained from arresting the Petitioner in any false case without the prior permission of this Honorable Court;
- (b) Restrain the Respondents from taking any actions against the Petitioner, including arrest without prior permission of this Court based on any unlawful and unjustified reason, and/or hidden inquiry and/or investigation;
- (c) To direct the Respondent No.1 to investigate the matter of abuse of process and pass necessary directions.
- (d) To adjudge that the act(s) and action(s) of the officials of the Respondent No.1 are unlawful, malafide, arbitrary, and in excess of their authority(ies) and to pass a necessary order against the Respondent on account of the unlawful exercise of power and authority;

The petitioner claims to be harassed and threatened with false criminal charges by police and private individuals. This harassment is allegedly a tactic to pressure him in a child custody dispute with his wife, who has taken their children to the UAE. The petitioner has filed a guardianship application, and red warrants

were issued for his wife's return. In response, his wife's lawyer and another individual, acting as "proxy complainants," filed multiple fraudulent First Information Reports (FIRs) against him. These FIRs accused him of various offenses, including threatening and attacking people, and land-grabbing. He also alleges an attack at the court when he tried to get bail and says police told him about other pending FIRs he's unaware of.

The petitioner's counsel argues that these actions violate his fundamental rights to due process, protection of law, and liberty, as guaranteed by the Constitution of Pakistan. He is seeking the court's intervention to stop the harassment and prevent his unlawful arrest based on these fabricated cases.

This Court vide order of September 1, 2025, issued notices to the respondents, the Advocate General Sindh, and the Prosecutor General Sindh, for a hearing on September 8, 2025. On that date, the Assistant Advocate General requested and was granted an adjournment to submit any First Information Report (FIR) registered against the petitioner, if any.

The compliance report has been filed by the IGP Sindh, stating that no FIR has been registered against the petitioner in the relevant police jurisdictions except the cases already registered. As a result, the Deputy Prosecutor General (DPG) and a police representative assured this Court that the petitioner would not be harassed.

Admittedly, this is the case of harassment at the hands of police in connivance with private respondents. The meaning of the word "harass" has been explained as "to injure and injury"; these words have numerous and comprehensive popular meanings, as well as having a legal import. A line may be drawn between these words and the word "harass," excluding the latter from being comprehended within the word "injure" or "injury". The synonyms of "harass" are: Weary, tire, perplex, distress, tease, vex, molest, trouble, and disturb. They all have a relation to mental annoyance." In the Oxford Dictionary of New Words, the meaning of the word "harassment" has been explained, which reads as "The subjection of a person to aggressive pressure or intimidation. "Harassment" should be interpreted as potentially producing some unreasonably adverse impact on the victim. The conduct should produce more than "worry", "trouble", "discomfort", or "unease" unless perhaps these are experienced to an extreme degree."

The main objectives of the police is to apprehend offenders, investigate crimes, and prosecute them before the courts, also to prevent the commission of crime, and above all, ensure law and order to protect citizens' lives and property. The law enjoins the police to be scrupulously fair to the offender, and the

Magistracy is to ensure a fair investigation and fair trial for the offender. Unfortunately, these objectives have remained unfulfilled. Aberrations of police officers and police excesses in dealing with the law and order situation have been the subject of adverse comments from this Court as well as from other courts, but they have failed to have any corrective effect on it. The police has the power to arrest a person even without obtaining a warrant of arrest from a court. The plenty of this power casts an obligation on the police, and they must bear in mind, as held by this Court, that if a person is arrested for a crime, his constitutional and fundamental rights must not be violated. Primarily, the Police Officers are required to protect and not abduct.

Learned DPG submits that no harassment shall be caused to the petitioner and police and will act strictly under the law.

Their statement is tenable and this petition is liable to be disposed of in terms of the statement of learned DPG as well as official respondents; however, it is made clear that if there is any private/civil dispute between the parties, the same shall be dealt with by the competent court of law/forum and this Court will not travel into that dispute and leave it for the competent forum to redress the same if approached by the aggrieved party under the law within a reasonable time. As far as police harassment issues are concerned, the DIGP concerned has to see the matter and take prompt action under the law, if the aggrieved party approaches him; however, that is subject to a fact-finding inquiry to be conducted by the DIGP about the highhandedness of the police of the area.

In view of the above, this petition is disposed of with the direction to the police to act under the law, and no harassment shall be caused to either party, besides no interference shall be made in their private/civil/criminal dispute, if any, and the police shall be neutral in private affairs of the parties. However, if any of the parties indulged in cognizable offenses police shall act under the law. All parties and officials are directed not to harass each other and to act strictly within the law.

JUDGE