

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. S--235 of 2025

(Atif v Provinc of Sindh & others)

Date

Order with signature of Judge

Date of hearing and Order: 07.04.2025

Mr. Wajahat Naseem Khan advocate for the Petitioner.

Mr. Ali Safdar Depar, AAG

Mr. Qamaruddin Nohri DPG along with Raza Mian DSP Legal, Muhammad Khan, SI Chowki Incharge Tasveer Meha, Zaman Town, SIP Muhammad Javed, PS Zaman Town, SIP Rizwan, P.S Malir City, Inspector Adnan Asmat PS Defence on behalf of SSP South, PI/SI Zafar Iqbal, PS Sukhan, Karachi.

ORDER

Adnan-ul-Karim Memon, J: The petitioner and his father operate "Al-Madina Fast Food" in Korangi No. 5, Karachi, within the jurisdiction of P.S. Zaman Town (specifically Tasweer Mahal Chowki). Initially, police officials from the adjacent Chowki frequented their shop. When asked to pay, the Chowki Incharge and subordinates became hostile. Subsequently, SI Muhammad Khan Niazi (Respondent No. 13), a former Chowki Incharge, kidnapped the petitioner's father, Latif, on 08-06-2024. A Habeas Corpus Petition led to his recovery from a police mobile. Despite an apology from SI Niazi, the family did not press charges against him. However, about two weeks later, on 26-06-2024, the petitioner himself was kidnapped by the same Chowki officials under Respondent No. 13 and wrongfully confined at P.S. Saudabad, with a ransom demand. Another Habeas Corpus Petition resulted in his recovery. The Sessions Judge noted the deplorable illegal detention and directed the SSP Korangi to register a case against the involved officials. Despite this order, the police again apologized, and the family did not press charges. Subsequently, the petitioner and a friend were falsely implicated in FIR No. 47/2024 at P.S. Landhi. The complainant in that case testified that they were not the culprits, and the petitioner was acquitted on 04-02-2025 after incarceration. The petitioner alleges that despite these acquittals, police officials, spearheaded by Respondent No. 13, continue to harass them through daily raids on their home and business, causing significant disruption and financial loss. This harassment violates their fundamental rights. The petitioner requests this Court to direct all respondents, especially Respondent No. 13, to immediately cease all unlawful actions (harassment, illegal detentions, fabricated FIRs) and direct concerned police officials to provide a list of any existing cases against the petitioner and his family and issue orders to prevent future harassment, threats, unlawful detention, or false implication and further order an impartial inquiry into the police actions meanwhile direct the registration of an FIR against Respondent No. 13 and other responsible officials as previously ordered. He also

seeks direction the IGP Sindh to take strict departmental action against the involved officials.

2. The learned counsel stated that the petitioner and his father run "Al-Madina Fast Food" and are being harassed by police officials, including previous detentions. He further submits that this as a simple case of police harassment and direction may be issued to the IG Police Sindh to investigate and take disciplinary action against delinquent officials.

3. The SHO P.S. Zaman Town has submitted a report detailing attempts to serve notices on Respondents No. 9, 11, and 13. Respondent No. 9 was reportedly in his native village in Punjab, Respondent No. 11 was on leave, and Respondent No. 13 was served a notice to appear on 07.04.2025.

4. I have heard the parties present in Court and perused the record with their assistance.

5. Admittedly, this is the case of harassment at hands of police in connivance with private respondents. The meaning of the word "harass" has been explained as "Injure and injury" these words have numerous and comprehensive popular meanings, as well as having 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: To weary, tire, perplex, distress, tease, vex, molest, trouble and disturb. They all have 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."

6. The main objectives of police is to apprehend offenders, investigate crimes, and prosecute them before the courts also to prevent commission of crime, and above all ensure law and order to protect citizen's life and property.

7. 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 an 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 it 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. However it is made clear that police is free to take action against any person who is indulged in criminal activities subject to law.

8. The DIGP concerned is directed to prioritize this matter and, after hearing both parties within two weeks, address the alleged police misconduct. If the officials are found culpable, departmental proceedings for their punishment must be initiated, and they shall be assigned non-field duties in the interim period.

9. This petition stands disposed of in the aforesaid terms.

JUDGE

Shafi