

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. S-731 of 2025
(Irfan Magsi versus The Government of Sindh & others

Constitutional Petition No.S-732 of 2025
(Shaukat Magsi & 03 others versus The Government of Sindh and others)

Date	Order with signature(s) of Judge(s)
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- 1. For orders on office objection No.1 to 4.
- 2. For hearing of main case.

22.09.2025

Mr. Zaheer Abbas Kharal, advocate for the petitioner.
Mr. Qamaruddin Nohri, DPG along wth DSP Raza Mian, Legal-II CPO Karachi, PI Nadeem Jamal SIU /CIA, PI Shoukat Ali Shar PS Sukhan, Ghulam Ahmed Shaikh DSP on behalf of SSP Malir, SIP Ghulam Yasin PS Bin Qasim and PI Hameedullah PS Steel Town
Syed Muhammad Abbas Shah advocate for respondents No.11 to 14
Abid Hussain, Gada Hussain, Khadim Hussain, Irfan Hussain Mahesar, and Haleem Niaz Mahesar are present

These constitutional petitions, filed by the petitioners under Article 199, claim that after a buffalo transaction, the private respondents harassed them to either return the animals or pay more money.

The respondents denied the harassment allegations, stating they have not and will not threaten the petitioners in both petitions. The police also confirmed they have not threatened the petitioners and will act according to the law.

Admittedly, these are cases 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 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 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' life 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 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 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.

Private respondents as well as DPG in unequivocal terms submit that no harassment shall be caused to the petitioners. The private respondents present in Court, undertakes that they will not cause any harassment to the petitioners and will act strictly under the law.

The statement of the parties is tenable and these petition are liable to be disposed of in terms of the statement of learned DPG as well as private 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 DIG 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 DIG Police about the highhandedness of the police of the area.

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

JUDGE

Shahzad Soomro