

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. S-1153 of 2025
(Sarfraz Ali & another v Inspector General & others)

Date	Order with signature of Judge
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1. For order on office objection Nos.1 to 4 alongwith reply as at 'A'
2. For hearing of CMA No.7493/2025
3. For hearing of main case

Date of hearing and order:- 26.1.2026

Mr. Sikandar Ali Shar advocate for the petitioners
Mr. Raham Ali Rind advocate for the private respondents,
Mr. Zahoor Shah, Additional PG
Mr. Abid Fazal Mahar, SDPO Malir City on behalf of I.G. Police Sindh, DIG East and SSP Malir, Karachi
Mr. Raza Mian, DSP (Legal-II) CPO
SHO Mumtaz Khan, PS Shah Latif Town, Karachi

ORDER

Adnan-ul-Karim Memon, J.- The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 with following prayer:-

- a. To restrain the respondents, their agents, employees, workers, colleagues, subordinates, people, persons or any other person acting on their behalf from causing harassment, humiliation, pressure, fear and mental torture as well as threatening the petitioner and or booking he petitioner in false and fabricated cases/FIRs in whole over the province of Sindh even other provinces of Pakistan, till the final disposal of instant petition.
 - b. To direct the respondents that not to consider any complaint/applications filed against the petitioners before any forum until proper enquiry.
 - c. To declare the official respondents to provide legal protection to the petitioner, his family members and relatives regarding life, liberty and assists as per the Constitution of Islamic Republic of Pakistan.
2. Learned counsel for the petitioners submits that the petitioners are entitled to all fundamental rights guaranteed under the Constitution, 1973. He submitted that Petitioner No.1 is a businessman engaged in the transportation business and is the lawful owner of Plots No. SC-57/58 (Commercial Area), Sector 30-B, Shah Latif Town, District Malir, Karachi. It is contended that when the petitioner commenced construction on the said plots, unknown persons armed with weapons demanded illegal gratification (Bhatta) and threatened dire consequences. Subsequently, the boundary walls of the plots were demolished by armed persons, who also resorted to aerial firing. An FIR bearing No.1541/2025 under relevant penal provisions was duly lodged at P.S. Shah Latif Town, Karachi, and petitioner No.2 recorded his statement as a witness therein. Learned counsel further submits that despite registration of the FIR, respondents No.6 to 10, along with their

accomplices, continue to harass and threaten the petitioners with false and fabricated cases in order to coerce them from raising construction without payment of extortion. It is argued that the said respondents are habitual offenders and are involved in similar criminal cases, which is evident from their criminal record. It is lastly submitted that the actions of the respondents are illegal, arbitrary and violative of the fundamental rights of the petitioners, and that the petitioners have no alternate efficacious remedy except to invoke the constitutional jurisdiction of this Court for protection of their life, liberty and property. He prayed to allow this petition.

3. Learned counsel for the private respondents refuted the allegations and prayed for dismissal of the petition on the plea that this is not maintainable under Article 199 of the Constitution.

4. SSP present in Court submits that during construction activities, the petitioner was allegedly threatened by certain nominated persons who demanded extortion money, whereupon FIRs bearing No.1692/2024 and No.1541/2025 under relevant penal provisions were registered at Police Station Shah Latif Town. The cases were duly investigated, challans were submitted where required, and further investigation in FIR No.1541/2025 was entrusted to the SIU (CIA) Karachi. SSP further submits that during the course of investigation, certain sections were withdrawn after inquiry and the matter was returned to Police Station Shah Latif Town in accordance with law. It is assured that the police are taking action strictly in accordance with law and any lawful direction passed by this Court shall be complied with in letter and spirit. He also furnished the criminal record of the nominated accused was verified from the record of CRO, CIA Karachi, which reflects that accused Dur Muhammad s/o Nazar Muhammad, resident of Shah Latif area, Malir, stands involved in multiple criminal cases registered at Police Stations Shah Latif Town and Malir City, including FIRs bearing No. 993/2020 under sections 384/385/506/34 PPC, FIR No. 59/2021 under sections 147/149/382/337-A/504/506 PPC, FIR No. 1692/2024 under sections 147/148/149/324/380/427/34 PPC, FIR No. 323/2025 under sections 384/385/34 PPC, and FIR No. 1541/2025 under sections 384/385/337-H/427/34 PPC. The record further shows that Yaseen Jatoi s/o Dur Muhammad is also involved in several criminal cases of similar nature, including FIRs No. 993/2020, 59/2021, 1074/2023, 1692/2024, 1301/2025 and 1541/2025, registered at Police Stations Shah Latif Town and Malir City under various penal provisions relating to extortion, rioting, threats and mischief. Likewise, Zaman Jatoi s/o Dur Muhammad is found involved in FIRs bearing No. 993/2020, 59/2021, 1692/2024 and 323/2025, registered at Police Station Shah Latif Town and Malir City under relevant sections of the Pakistan Penal Code, if this is the position the concerned police is free to take action against those who are involved in such illegal

activities, SSP shall curb the illegal activities and take prompt action in accordance with law.

5. Heard learned counsel for the parties and the SSP present in Court. Perused the record with their assistance.

6. It is an admitted position that FIRs bearing No.1692/2024 and No.1541/2025 under relevant penal provisions have already been registered at Police Station Shah Latif Town on the allegations of extortion, threats and violence in respect of the subject property, and that the said cases are under investigation in accordance with law, including inquiry conducted by SIU (CIA) Karachi. It is further evident from the record placed before the Court that the nominated accused are involved in multiple criminal cases of a similar nature, which lends credence to the grievance raised by the petitioners. At the same time, it is a settled principle of law that this Court, while exercising constitutional jurisdiction, does not interfere in matters where an adequate statutory remedy is already available, and the criminal law has been set in motion, unless there is clear mala fide, inaction, or abuse of authority on the part of the police.

7. In the present case, the record shows that the police have registered FIRs, conducted an investigation, and assured compliance with the law. However, considering the nature of allegations, the criminal antecedents of the nominated accused, and the constitutional obligation of the State to protect the life, liberty, and property of citizens, this Court deems it appropriate to issue limited directions to ensure that the petitioners are not subjected to harassment or unlawful pressure.

8. Accordingly, the petition is disposed of with the direction that the official respondents shall ensure that the petitioners are provided that any legal protection in accordance with law and are not harassed or coerced in any manner by the private respondents. SSP shall ensure coordination with Mukhtiarkar concerned and Board of Revenue with regard to the entitlement of the parties to the plots in question. The possession of the subject plots by producing the title documents and if they fail to produce the same, appropriate action shall be taken against them in accordance with law. The aforesaid exercise shall be undertaken within three weeks. The police shall continue the investigation strictly in accordance with the law without fear or favour and shall not misuse their authority. It is clarified that this Court has not expressed any opinion on the merits of the pending criminal cases, or entitlement of the subject plots, which shall be decided by the competent fora in accordance with the law.

JUDGE