

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-491 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Hearing of case

1. For order on office objection No.1 to 7 a/w reply of the counsel as flag “A”.
2. For hearing of main case.

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Dated 02.07.2025

Mr. Karim Bux Rind, Advocate for the petitioner.
Mr. Ali Haider Saleem, Additional Prosecutor General.
Mr. Shariq Mubashir, Assistant Advocate General Sindh.
DSP Raza Mian, DSP Legal-II, CPO.
DSP Qadir Bux Khaskheli, Sakro at Gharo.
ASI Muhammad Faisal Shaikh, P.S Gharo.

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The case of the petitioner is that his brother namely Gul Bahar was missing from the month of January, 2021 and the petitioner recorded an FIR bearing No.62/2021 for offence under Section-365/34 PPC at Police Station Gharo against the accused Muhammad Iqbal and Muhammad Akram. The FIR was investigated by the police and a report in “B” class was submitted before the concerned Magistrate wherein the Investigating Officer opined that the petitioner has filed a false case against respondents No.8 and 9. The report under Section-173 was placed before the concerned Magistrate which was decided vide orders dated 18.10.2022 in presence of the petitioner and accused. Learned Magistrate agreed with the opinion of the police but did not dispose of the FIR under “B” class and treated the same under “A” class with directions to the police to continue with the investigation of the FIR as the recovery of the alleged detainee/abductee could be ascertained, however, the accused Muhammad Iqbal and Muhammad Akram were discharged under Section-63 Cr.P.C.

The petitioner, who is complainant in the said FIR, did not challenge the discharge order passed by the learned Magistrate which attained finality and after about lapse of more than two years, he preferred this petition seeking indulgence of this Court to direct the police officials to recover the custody of alleged abductee from the possession of the respondents No.8 and 9.

Learned counsel for the petitioner is put on notice that during course of investigation, the stance of the petitioner was found incorrect and agreed to by the learned Magistrate and how police after lapse of such huge time be directed to recover the alleged abductee from the possession of the respondents No.8 and 9, when they after registration of FIR proved during investigation that the abductee was not in their custody. Learned counsel contended that since last more than four years the brother of the petitioner is missing and the petitioner is running from pillar to the post to seek his custody or whereabouts but failed. He further contended that police officials are under the obligation to affect the recovery of the alleged abductee.

Since the police had already recorded FIR of the petitioner which during investigation was proved to be false and a report under "B" class for disposal of FIR was submitted before the concerned Magistrate to initiate proceedings against the petitioner under Section-182 PPC which resulted into the discharge of the accused persons, however, the learned Magistrate kept the FIR pending until the whereabouts of the alleged abductee are traced out.

For last more than two years the trial court has repeatedly called the progress reports from the IO which were duly submitted before the court and even on the notices of this Court a report has been submitted on behalf of SSP Thatta and SDPO Mirpur Sakro and SHO Gharo wherein they have repeated the same stance that the allegations levelled by the petitioner against the private respondents are false.

Mr. Qadir Bux Khaskheli, SDPO Mirpur Sakro at Gharo is also present before this Court and submits that he will make an effort to know about veracity of the allegations of the petitioner and he will also make an effort to recover the alleged abductee if detained anywhere and he shall submit such report before the concerned Magistrate.

SDPO Gharo is directed to conduct an inquiry into the matter afresh and if he finds truth in the allegations of the petitioner that his brother is missing since 2021, he shall take efforts for his recovery and submit such report before the concerned Magistrate within a

period of 15 days from today. It is further clarified that this direction is being issued as an act of indulgence otherwise the case of the petitioner has already culminated into a report under false class.

The petition stands disposed of in the above terms.

JUDGE

Ayaz Gul