

IN HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-169 of 2026

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

1. For order on MA No.1257/2026.
2. For order on office objection.
3. For order on MA No.803/2026.
4. For order on MA No.804/2026.
5. For hearing of main case.

Mr. Muhammad Irfan Awan advocate for petitioner.

Date of hearing & decision: 17.02.2026.

O R D E R

RIAZAT ALI SAHAR, J: - Through this Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has prayed as under:-

- (A). Issue a direction to respondents No.1, 2 (National Accountability Bureau), and respondent No.4 (Inspector General of Police, Sindh) to constitute a Joint Investigation Team (JIT), comprising senior officers of unimpeachable integrity, to conduct a transparent, impartial, and expeditious investigation into the entire conduct of respondent No.10, including the allegations of extortion, misappropriation of the wheat crop, and the malafide registration of FIRs against the petitioner, and upon conclusion of such investigation, to quash FIR No.536 of 2025, PS Kotri.
- (B). Pass an order directing respondents No.1 to 9 to initiate stern departmental and legal proceedings against respondent No.10 and his accomplices (respondents No.11, 12, and 13) for their misconduct, corruption, and abuse of authority.
- (C). Restrain the official respondents (respondents No.1 to 9) from arresting, harassing, or implicating the petitioner and his family members in any false, frivolous, or fabricated criminal case on the basis of the extant or any maliciously contrived allegations.

- (D). Grant interim relief during the pendency of this petition, by restraining the official respondents from taking any coercive action against the petitioner or his family members, including but not limited to arrest or registration of further FIRs, except with the express prior permission of this Honourable Court.
- (E). Award costs of this litigation in favour of the petitioner.
- (F). Grant any other relief(s) which this Honourable Court may deem fit, just, and proper in the peculiar circumstances of the case.

2. The petitioner, a junior clerk in the Health Department posted at DHO Office Jamshoro, seeks constitution of a Joint Investigation Team to inquire into the alleged misconduct of respondent No.10, an official of the National Accountability Bureau, quashment of FIR No.536 of 2025 registered at PS Kotri, initiation of departmental and criminal proceedings against private and official respondents and protection against arrest and alleged harassment. The case of the petitioner is that he is facing NAB Reference No.02 of 2023; that respondent No.10, while acting as investigating officer, allegedly demanded illegal gratification; that upon refusal, a false FIR bearing Crime No.150 of 2024 under Sections 379/34 PPC was registered at PS Tando Jam, in which he was acquitted under Section 249-A Cr.P.C; that subsequently he was coerced to deposit Rs.200,000/- in the personal account of respondent No.10; and that, as a retaliatory measure, another FIR bearing Crime No.536 of 2025 under Sections 447, 511, 109, 34 PPC was registered at PS Kotri, District Jamshoro. He further alleged misappropriation of his wheat crop by respondent No.11 at the behest of respondent No.10. It is also admitted that Criminal Miscellaneous Application No.6634 of 2025 filed by the petitioner has been dismissed and that Cr.M.A No.777 of 2025 as well as Constitutional Petition No.2002 of 2025 are pending before this Court.

3. Learned counsel for the petitioner contends that the petitioner has been subjected to a sustained campaign of malice, extortion and abuse of authority at the hands of respondent No.10. He contends that the registration of successive FIRs demonstrates colourable exercise of power and retaliatory action for having lodged a complaint before the Chairman, NAB. He contends that the petitioner's acquittal in the earlier FIR establishes mala fides of the respondents. He further contends that fundamental rights guaranteed under the Constitution have been infringed, therefore, prays for constitution of a JIT, quashment of FIR No.536 of 2025 and protective relief against coercive action.

4. Having heard learned counsel and perused the record very carefully.

5. The entire structure of the petition rests upon seriously disputed questions of fact, including allegations of extortion, coercion, misappropriation of agricultural produce, mala fide registration of criminal cases and deposit of money in a personal account. Such allegations require thorough probe, collection of evidence and factual determination, which cannot be undertaken in constitutional jurisdiction under Article 199 of the Constitution. This Court does not sit as a trial court to record evidence or adjudicate upon contested factual controversies.

6. Admittedly, FIR No.536 of 2025 stands registered and criminal proceedings are governed by the mechanism provided under the Code of Criminal Procedure. The legality or otherwise of the FIR, alleged mala fides and the petitioner's plea of false implication can adequately be agitated before the competent trial court through remedies such as bail, discharge, acquittal or by invoking Sections 22-A and 22-B Cr.P.C, as the case may be. Likewise, allegations of extortion and misuse of authority can be reported to the competent forums under the

National Accountability Ordinance and other relevant laws. Constitutional jurisdiction cannot be invoked to supervise investigation, direct constitution of a JIT or order initiation of departmental proceedings in the presence of an adequate statutory framework.

7. It is also an admitted position that parallel proceedings, including Cr.M.A No.777 of 2025 and Constitutional Petition No.2002 of 2025, are already pending before this Court. The present petition, therefore, appears to be an attempt to multiply proceedings and to pre-empt ongoing criminal processes. Constitutional jurisdiction cannot be permitted to be used as a shield to frustrate investigative and trial proceedings. No exceptional circumstance has been demonstrated warranting bypass of the ordinary remedies provided by law. The apprehensions expressed by the petitioner, though serious in nature, remain unsubstantiated at this stage and are amenable to redress before the competent fora.

8. For what has been discussed above, we are of the considered view that the present petition being misconceived is not maintainable and no merit is found in the present petition, which is accordingly **dismissed in *limine***, along with listed applications. The petitioner is, however, at liberty to avail all remedies available to him under the law.

JUDGE

JUDGE