

Order Sheet

HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 1558 of 2025
[Zohaib Ahmed v. Federation of Pakistan & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner : Through Mr. Muhammad Sachal R. Awan, Advocate

Mr. Ghulam Abbas Sangi, Asst. Attorney General.
Mr. Muhammad Ismail Bhutto, Addl. A.G.

Date of Hearing
& Decision: 09.12.2025

O R D E R

ADNAN-UL-KARIM MEMON, J.- Through this Constitutional Petition, the petitioner has prayed for the following relief(s):-

- a) Declare that FIR No. 2 of 2025, registered by the FIA at Police Station FIA, Circle Sukkur, against the Petitioner is illegal, mala fide, and without lawful authority.
- b) Quash FIR No. 2 of 2025 in the interest of justice and to prevent abuse of the process of law.
- c) Restrain the Respondents from taking any coercive action against the petitioner pursuant to FIR No. 2 of 2025, including arrest, investigation, or further proceedings, pending the disposal of this Petition.

2. According to the petitioner's counsel, FIR No. 03 of 2024 was registered by the FIA Mirpurkhas against the petitioner and 56 others on allegations of financial misconduct and embezzlement. In that FIR, a charge has already been framed against the accused persons, including the petitioner, before the competent court of law. Subsequently, the FIA AML Circle Sukkur registered another FIR, bearing No. 02 of 2025, against the petitioner and others under the Anti-Money Laundering Act. The petitioner contends that the allegations in FIR No. 02 of 2025 are substantially identical to those in FIR No. 03 of 2024. The petitioner counsel submits that registration of second FIR on the same set of allegations constitutes a gross violation of fundamental rights guaranteed under Article 13 of the Constitution and Section 403 of the Cr.P.C., which protect individuals from double jeopardy and prohibit prosecution or punishment for the same offence more than once. The petitioner counsel asserts that the second FIR is mala fide act on the part of respondents, intended solely to harass the petitioner while he is already facing trial on the same allegations in FIR No. 03 of 2024. Accordingly, he prays that the petition be allowed.

3. Learned D.A.G. has submitted that this court vide order dated 18.11.2025 has already disposed of the case of the Petitioner in CP No. 1911 of 2025 with the following observations and the present court is akin to the aforesaid Decision and needs to be disposed of in the said terms. For convenience sake an excerpt of the order is reproduced as under:-

“3. Learned Assistants Attorney General submitted that the claim of the petitioner is misconceived. He argued that the enquiry establishes the Petitioner’s financial linkage with the proceeds of crime. He received Rs. 2,100,000 via cheque from co-accused Safeer Ahmed forming part of Rs. 11,372,426 linked to predicate offences. This transaction shows layering and integration of illicit funds; therefore, his role is clearly established; that FIR No. 08/2025 is based on fresh financial evidence and distinct transactions discovered during the investigation. It is not a duplication of earlier FIRs. He argued that, under the Anti-Money Laundering Act 2010, each act of money laundering constitutes a separate offense. The Petitioner is nominated as a facilitator based on financial trails. Allegations of double jeopardy are premature as no trial or punishment has been repeated. He submitted that the Investigation is being conducted lawfully and transparently. The Petitioner has been given and will be given full opportunity to respond and submit evidence. He argued that the petition may be dismissed and the Petitioner be directed to join the investigation and respond to the allegations.

4. In view of the submissions made by both sides and keeping in mind the settled principle laid down by the Supreme Court in *Sughra Bibi v. The State (PLD 2018 SC 595)* that the investigating agency is bound to conduct a fair, transparent, impartial and independent investigation free from external influence, therefore, the petition is **disposed of** with direction to **the Director General, FIA to ensure that a fair, impartial investigation is conducted in all connected FIRs, strictly in accordance with law and the guidelines enunciated by the Supreme Court. The DG FIA shall further ensure that the investigation is completed without harassment, bias or *mala fide*, and shall submit the final investigation report before the trial court, which shall pass appropriate orders in accordance with law.** The Petitioner is directed to fully cooperate with the investigation, and the Investigating Agency shall adhere to due process and afford the Petitioner all protections guaranteed under the Constitution and the law”

4. The proposition so putforward by learned D.A.G. is reasonable. However, the learned counsel for the Petitioner has reservation that the present FIR No. 2 of 2025 registered by the FIA at Police Station FIA Circle Sukkur against the Petitioner is *mala fide* and needs to be quashed. This assertion at this stage cannot be accepted as the Decision on the subject issue has already been taken care of with direction to the D.G. FIA to ensure that a fair, impartial investigation is conducted in all connected FIRs strictly in accordance with law which covers the case of present petitioner in FIR No. 02 of 2025.

In view of above, this Petition stands disposed of.

JUDGE

JUDGE

karar_hussain/PS*