

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1689 of 2025

[Nazeer Ahmed v. Province of Sindh & Others]

BEFORE:

**MR. JUSTICE ADNAN-UL-KARIM MEMON
MR. JUSTICE RIAZAT ALI SAHAR**

Mr. Altaf Sachal Awan, Advocate for Petitioner

Mr. Siraj Ahmed Bijarani, A.P.G.

Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with ASI Mir Ghulam Mustafa,
PS Badin

Date of hearing:
& Decision: 16.12.2025

O R D E R

ADNAN-UL-KARIM MEMON, J - The Petitioner, through the instant Petition, has prayed as under:

- a. To quash the FIR bearing Crime No.434/2025, U/s 324,427,147, 148,149, 337-A(i), 337-F(i), 504 PPC, P.S. Badin.
- b. Direct the respondents No.1 & 2 to take necessary action in the matter against the respondents No. 3&4, so also to conduct an impartial investigation of above mentioned crime and offence.
- c. To suspend the operation of FIR bearing Crime No.434/2025, U/s 324,427,147, 148, 149, 337-A(i), 337-F(i), 504 PPC, P.S. Badin, till the final disposal of the instant petition.
- d. Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the applicant.

2. It is the case of the petitioner that on 18-08-2025 at about 1900 hours, the brothers and relatives of respondent No.5 arrived at the petitioner's house and raised hue and cry. Upon hearing the noise, the petitioner and other family members came outside, whereupon they saw that the brothers and other relatives of respondent No.5 were armed with iron rods, hatchets, and lathis. The said persons launched murderous attack upon the petitioner and his family members with intention to commit their murder. As a result of the said attack, the petitioner and other family members, including women, sustained multiple injuries, and one Mitho succumbed to the injuries. Consequently, an FIR of the said incident was registered at Police Station Badin bearing Crime No.417/2025 under Sections 302, 324, 147, 148, 149, 337-A(i), 337-F(i), 504 and 509 PPC. He submitted that thereafter, respondent No.5,

in collusion with other accused persons, managed and concocted a false and fabricated version of the same incident and lodged a counter FIR bearing Crime No.434/2025 under Sections 324, 427, 147, 148, 149, 337-A(i), 337-F(i) and 504 PPC at Police Station Badin against the petitioner and others. In the said FIR, the date and place of occurrence are the same; however, respondent No.5 mala fideley showed the time of occurrence as 1945 hours, whereas at that time the petitioner and others were already in injured condition and had proceeded to the hospital for medical treatment. He added that there is grave apprehension that the murder case of the petitioner party may be damaged, as respondent No.5 and other accused persons are exerting pressure upon the petitioner and his family to submit to a faisla/jirga.

3. Learned counsel for the petitioner contended that the petitioner/accused is innocent and has been falsely implicated by respondent No.5/complainant in the present false and frivolous case, thereby dragging the petitioner and other accused persons into unwarranted criminal proceedings in violation of the principles of natural justice. It was further contended that the entire story narrated in the impugned FIR is false, fabricated, concocted, untrustworthy, and unsupported by any corroborative piece of evidence; hence, no prudent person can place reliance upon the same. Learned counsel further submitted that no offence whatsoever has been committed by the petitioner and the other accused persons, as they themselves had sustained injuries at about 1900 hours, and it is highly improbable and impossible for injured persons to launch an attack upon the other party in such condition. After the said incident, the petitioner and other injured persons were shifted to the hospital for medical treatment. It was emphasized that neither respondent No.5 nor any member of his party sustained any injury, nor did any such incident occur at the hands of petitioner and others. On the contrary, even the women of the petitioner's family received injuries and one person lost his life in the occurrence. It was further argued that respondent No.5 deliberately suppressed the true and material facts in the impugned FIR, as the earlier incident wherein the petitioner party sustained injuries at the hands of respondent No.5 and his associates has not been disclosed therein. Such suppression clearly demonstrates that no incident, as alleged in the impugned FIR, ever took place, nor did respondent No.5's party sustain any injuries. Learned counsel also submitted that despite the fact that the police were fully aware of the earlier incident in which one person lost his life, and others sustained serious injuries, they unlawfully proceeded to register a second FIR relating to the same occurrence. The registration of a second FIR in respect of the same incident is in clear violation of the law laid down by the Supreme Court in the case of *Sughran Bibi*, wherein the lodging of second FIR for the same occurrence was expressly prohibited. Therefore, the impugned FIR bearing Crime No.434/2025, Police Station Badin, is not sustainable in the eyes of law. It was further contended that after the murder of a member of petitioner party, respondent No.5 and his associates are

exerting pressure upon the petitioner and his family to compel them to submit to a faisla/jirga and withdraw from the murder case, which is patently illegal and against the principles of natural justice. It was also submitted that after registration of second FIR, the petitioner party is under constant apprehension of illegal arrest and humiliation at the hands of police. Lastly, learned counsel submitted that bare perusal of impugned FIR itself reveals that no such alleged incident ever occurred, as the petitioner and others had already sustained injuries and were shifted to hospital for medical treatment at the relevant time, rendering the alleged occurrence self-suffered and inherently improbable. Consequently, learned counsel prayed that the instant petition may be allowed and the impugned FIR bearing Crime No.434/2025, Police Station Badin, be quashed.

4. Learned AAG and APG submitted that on 20.08.2025 complainant Ramzan lodged FIR No.417/2025 at Police Station Badin under Sections 302, 324, 147, 148, 149, 337-A(1), 337-F(1), 504 and 509 PPC, alleging that on 18.08.2025 at about 19:00 hours, the accused persons namely (1) Haroon, (2) Mukhtiar, (3) Abdul Rehman, (4) Allah Bux, (5) Mohsin, (6) Noor Muhammad, (7) Shafi Muhammad, (8) Rajab Ali, (9) Abdul Majeed, (10) Abdul Jabbar, (11) Mushtaque Ahmed and (12) Muhammad Hanif, all by caste Mallah, being armed with iron rods, hatchets and lathis, came and attacked the complainant party. During the said occurrence, Chattoon, Mithoo, Achar, Ahmed, Gul Hassan, Nazeer Ahmed (petitioner), Mohram, Muhammad Essa, Mst. Najma, Mst. Shabana, Mst. Gul Bano, Mst. Bachan and Mst. Nazia, all by caste Mallah, sustained injuries. During the course of treatment, injured Mithoo Mallah succumbed to his injuries on 19.08.2025. They submitted that as per the report of police, the investigation of the said case is being conducted by SIP Muhammad Ali Ansari, and during investigation, accused Muhammad Haroon and Mohsin Mallah were arrested on 23.08.2025, while accused Abdul Rehman Mallah was arrested on 27.08.2025. They are presently confined in District Jail Badin, whereas the remaining accused persons are still wanted and un-arrested. An interim challan was submitted by the Investigating Officer before the competent Court on 06.09.2025. The case is still under investigation for the arrest of remaining accused persons, and for final post-mortem report of deceased Mithoo Mallah. It was further pointed out that on 26.08.2025 complainant Niaz Ahmed (respondent No.05) approached Police Station Badin and lodged FIR No.434/2025 under Sections 324, 427, 147, 148, 149, 337-A(1), 337-F(1) and 504 PPC, alleging that on 18.08.2025 at about 19:45 hours, accused persons namely Mithoo @ Chattoon, Achar, Ali Ahmed, Abdul Ghani, Muhammad, Khammon, Nazeer, Basheer, Muhamram, Gul Hassan, Essa @ Papan, Noor Hassan and Ali Akbar, all by caste Mallah, armed with hatchets, along with ladies, came to the Kiryana shop near Pini Ladho Mandhro stop and attacked the complainant party with intention to commit their murder due to previous enmity. During the said occurrence, Mohsin, Noor Muhammad, Rajab,

Haroon, Hanif, Habibullah, Mukhtiar, Maqbool, and Niaz Ahmed sustained injuries. The investigation of FIR No.434/2025 is being conducted by ASI Allah Bachayo Khaskheli of Police Station Badin. All the nominated accused persons are still wanted in the said case, and final medical certificates of the injured persons have not yet been received. An interim challan of the said case was submitted before the Court on 12.10.2025, and the case is still under investigation for arrest of accused persons and till receipt of final medical certificates. The SHO, Police Station Badin, submitted that the time and place of occurrence mentioned in both FIRs are different. The time of occurrence in FIR No.417/2025 is shown as 19:00 hours, whereas in FIR No.434/2025 it is shown as 19:45 hours. Similarly, the place of occurrence in FIR No.417/2025 is shown as Meer Wah Mori near the house of complainant, whereas in FIR No.434/2025 it is shown as the Kiryana shop of the complainant at Pini Ladho Mandhro stop. Lastly, learned AAG submitted for dismissal of the petition.

5. We have heard learned counsel for the parties and perused the record with their assistance and the case law cited at the bar.

6. From the material placed on record, we have noticed that FIR No.417/2025 was lodged earlier in point of time, about an occurrence dated 18.08.2025 at about 19:00 hours, in which one person, namely Mithoo Mallah, lost his life and several others sustained injuries. The said FIR is admittedly under investigation, and an interim challan has already been submitted before the competent Court. Subsequently, FIR No.434/2025 was lodged in respect of almost the same date of occurrence, alleging a counter version of the incident. Although the police have taken the stance that the time and place of occurrence mentioned in both FIRs are different, a careful perusal of record reveals that both FIRs arise out of the same series of events, involving the same parties, stemming from the same dispute, and relating to continuous transaction. The subsequent FIR *prima facie*, appears to be a counterblast to the earlier FIR and discloses an attempt to set up a different narrative of the same occurrence, however this finding is tentative subject to the final investigation report of the subject cases by the Investigating officer, which final report needs to be placed before the competent court for appropriate orders as it is a settled principle of law, as laid down by the Supreme Court in case of *Sughran Bibi v. The State*, as discussed supra that a second FIR in respect of the same occurrence or transaction is not permissible in law and that any subsequent version is to be brought on record during investigation of first FIR. The registration of second FIR in such circumstances amounts to abuse of the process of law.

7. Furthermore, the record *prima facie* shows that the petitioner party had already sustained injuries and one person had succumbed to his injuries prior to the alleged time mentioned in FIR No.434/2025, which the trial court has to see the

plausibility of the allegations leveled therein subject to final investigation report of both the versions of the parties as alleged about the incident.

8. In view of the above facts and circumstances, and to prevent abuse of the process of law and to secure the ends of justice, without touching the merits of the case this petition is disposed of in the terms that the Investigating Officer of FIR No.417/2025 is set at liberty to consider the version of respondent No.5, if any, during the course of investigation strictly in accordance with law and the outcome, the investigation report of both versions shall be placed before the trial court for an appropriate order on such issue.

9. This petition is disposed of accordingly.

JUDGE

JUDGE

Karar_Hussain/PS*