

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-1878 of 2025

[Nawab Din and Others vs. Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Altaf Hussain Chandio, advocate for petitioners

Syed Ali Abbas Zaidi, advocate for private respondents

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh

Mr. Shahid Ahmed Shaikh, Additional P.G. Sindh

Date of hearing & decision: 27.11.2025

ORDER

ADNAN-UL-KARIM MEMON J .- The petitioners, through this Constitutional Petition, have sought quashment of FIR bearing Crime No.327 of 2025 registered at P.S. A-Section Shaheed Benazirabad under Sections 506(2), 504, 509, 499, and 34 PPC, so also restraining orders from registration of further FIRs against them and their family members.

2. Learned counsel submits that the petitioner is owner of agricultural land along with certain other properties, including shops and an ice factory; that the son of Petitioner No.1, namely late Wahab Din, was married to Respondent No.10. After the marriage, late Wahab Din moved to Nawabshah with his family, and Petitioner No.1, being his father, had duly provided him with his rightful share in the property for his sustenance. However, after the death of Wahab Din, his widow/respondent No.10 and sons / respondents 11 & 12 began demanding additional property. Civil litigation between the parties in this regard is currently pending adjudication; that, in order to harass the petitioner and his family and to create undue pressure, the private respondents have resorted to lodging false FIRs against the petitioners and other family members. Initially, FIR No.45 of 2023 was lodged at P.S. A-Section Nawabshah under Sections 325 and 506(2) of the Pakistan Penal Code, which was subsequently disposed of by means of compromise. Thereafter, FIR No.224 of 2025 was filed at the same police station, in which the Investigation Officer, after thorough inquiry, submitted report recommending disposal of the FIR under B-class, which is currently awaiting orders. Presently, the private respondents have lodged another FIR bearing No.327 of 2025 at the same police station, which is the subject of the present petition. It is submitted that no such incident, as alleged, took place, and the impugned FIR is nothing but a tactic to pressurize the petitioners into yielding to the illegal demands of the private respondents. The petitioners' counsel contends that the private respondents are attempting to convert a civil dispute into a criminal; therefore, the impugned FIR is liable to be quashed. Furthermore, it is prayed that SHO P.S. A-Section Nawabshah, who is acting in aid of private respondents,

may be restrained from lodging any further FIRs without prior permission of this Court, and that the petitioners be provided due protection in accordance with law. He prayed to allow this Petition.

3. Learned Assistant Advocate General Sindh, as well as learned Additional Prosecutor General Sindh, assisted by Syed Ali Abbas Zaidi, Advocate for the private respondents, raised objections regarding maintainability of this petition. They contended that the petitioners themselves have admitted that the second FIR was recommended for disposal under B-Section, which clearly indicates that the police authorities are acting in accordance with law and not at the whims or desires of any party. Therefore, they submitted that this petition is liable to be dismissed, and the Investigation Officer should be allowed to continue the inquiry and submit his report before the Magistrate for further proceedings in accordance with law. Further, Syed Ali Abbas Zaidi, Advocate, argued that the petition raises disputed questions of fact, which cannot be adjudicated under writ jurisdiction. He, therefore, requested that directions be issued to the trial Court to record evidence and thereafter decide the matter in accordance with law.

4. We have heard learned counsel for the parties and perused the material available on record.

5. We have noticed that dispute involves inheritance of property, which is civil in nature, but repeated lodging of FIRs has created an atmosphere of harassment and obstruction for the parties. Considering the sensitivity of the matter and the ongoing civil litigation, it is imperative that the investigation is conducted in fair, impartial, and transparent manner to protect the rights of all parties involved.

6. Accordingly, we direct DIGP Shaheed Benazirabad to ensure reinvestigation of FIR No.327 of 2025 registered at P.S. A-Section Shaheed Benazirabad under Sections 506(2), 504, 509, 499, and 34 PPC. The DIGP shall appoint an independent officer to supervise the investigation and ensure that it is conducted fairly, impartially, and in accordance with law. The outcome of this investigation shall be placed before the competent court, so that the parties may have their dispute adjudicated on the merits without any undue influence or harassment. It is further clarified that this direction does not preclude any party from pursuing civil remedies regarding inheritance or property rights. The focus of this direction is solely to ensure a fair and transparent criminal investigation.

This petition stands disposed of in the above terms. A copy of this order shall be communicated to DIGP Shaheed Benazirabad for compliance.

JUDGE

JUDGE