

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1881 & 1895 of 2025
[Jahanzaib Yousufzai v. Province of Sindh & others]

Before :

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

Petitioner : Through Mr. Rizwan Akhtar Khanzada, Advocate
Respondent : Mr. Muhammad Sharif R. Awan, Advocate for respondent No.5
Respondent-2 : Saeed Ahmed Janwari present in person

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

Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with Muhammad Chungal for SSP Hyderabad, ASI Nizamuddin, and ASI Liaquat Ali, Police Post Naseem Nagar I.O. & DSP Abdul Haque Qureshi, SDPO K.N. Shah district Dadu.

Date of Hearing
& Decision: 08.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- Through these Constitutional Petitions, the Petitioner primarily seeks a direction to Inspector General of Police, Sindh, to provide a complete list of cases pending against the Petitioner in the Province. The Petitioner further requests for constitution of Joint Investigation Team (JIT) to examine whether the FIRs have been lawfully registered. It is also prayed that, in the meantime, the operation of the said FIRs be suspended.

2. The Petitioner's case is that he is a student and was previously engaged in the business of manufacturing plastic bottles. Before registration of the FIRs, the Petitioner instituted Civil Suit No. 296 of 2024 (Re-Jahanazib Yousufzai v. Mateen Shaikh) against Mateen Shaikh for the settlement of accounts, which is currently pending before the VII Senior Civil Judge, Hyderabad. However, respondents No. 9 and 10 in C.P. No. D-1881 of 2025 are siblings, and Respondent No.9 is a close friend of the said defendant, Mateen Shaikh. Similarly, respondent No.5 in C.P. No. D-1895 of 2025, along with Advocate Saeed Ahmed Janwari, is also close associate of Mateen Shaikh. The Petitioner submits that all of them, acting in collusion with Mateen Shaikh, have lodged false FIRs against him in districts Dadu, Jacobabad, and Hyderabad, even though he has never visited Dadu or Jacobabad; that all the FIRs

were registered only after filing of the above-mentioned civil suit. Accordingly, the Petitioner's counsel seeks quashment of the FIRs lodged at the behest of private respondents.

3. Upon notice, SSP Dadu filed comments in C.P. No. D-1895 of 2025. It is stated therein that FIR No. 328/2024, under Sections 506-2, 504, and 34 PPC, was registered on 31.10.2024 at Police Station A-Section, Dadu, on the complaint of Sujja Uddin Halepoto against the Petitioner. After completion of investigation, the case was disposed of as 'false' in 'B-Class,' and the final report was submitted before 1st Civil Judge & Judicial Magistrate, Dadu. However, the learned Magistrate disagreed with the I.O.'s findings and took cognizance. This Court, in C.P. No. D-191 of 2025, passed an order dated 14.10.2025 in the following terms:

‘Accordingly, this Constitutional Petition is disposed of along with pending applications. The Petitioner is at liberty to file a proper application before the trial court under Section 249-A, Cr.P.C. In case such application is filed, the trial court shall decide the same within one month.’

4. Thereafter, the SHO of PS Sita Road reported that on 16.03.2025, complainant, Wazir Ali Solangi (Respondent No. 5 in CP No. D- 1895 of 2025), appeared at police station and alleged that he had been engaged in cattle business with one Fawad Hussain Halepoto for past 4 to 5 years, and that Fawad and the Petitioner owed him Rs. 18 lakhs. The complainant stated that he used to approach them for payment of the outstanding amount. On 16.03.2025, while he was present at his cattle pond along with his witnesses, Fawad Hussain Halepoto along with the Petitioner and others arrived in a colored car. According to the complaint, Fawad and the Petitioner allegedly pointed pistols and threatened to kill him if he asked for payment. SIP Aijaz Ali Jogro registered FIR No. 20/2025 under Sections 506-2, 148, 149, and 504 PPC and conducted the investigation. The I.O. visited the scene of incident and recorded the statements of PWs Manthar Ali Pario and Nizam Uddin Mallah, who supported the contents of FIR. The I.O. later proceeded to Hyderabad to arrest the accused but was unsuccessful. Due to his transfer, ASI Sajjad Ali Jamali continued the investigation and, following judicial procedure, submitted the challan/charge sheet under Section 512 Cr.P.C. before the competent court of law. It is further stated that the Petitioner never approached the I.O. to assert his innocence nor applied for bail. Subsequently, learned Magistrate initiated proceedings under Sections 87 and 88 Cr.P.C., and the Petitioner/accused was declared a proclaimed offender. The case currently remains on the dormant file.

5. The SSP Hyderabad, in C.P. No. D-1881 of 2025 stated he called for report from the In-Charge of Police Station Naseem Nagar, Hyderabad. The report stated that on 21.05.2025, one Mst. Shazia Shuja appeared at Naseem Nagar and lodged FIR No.

220/2025 under Sections 506(2), 504, and 34 PPC against Fawad Hussain and others. The case was investigated strictly on merit, and during the investigation, no substantial evidence was found to connect the accused with the commission of the alleged offence. Upon completion of investigation, the I.O. classified the case as 'B' Class (false) and submitted the final report under Section 173 Cr.P.C. before the competent court accordingly.

6. Learned AAG and APG, assisted by the counsel for private respondents, submitted that since the challan in the referred cases has been submitted as such, these petitions have become infructuous and are liable to be dismissed.

7. Article 199(1)(a)(ii) of the Constitution empowers this Court to judicially review acts or proceedings undertaken by persons performing functions in connection with the affairs of Federation, a Province, or a local authority. Where such acts or proceedings are found to have been carried out without lawful authority, this Court may declare them to be so and of no legal effect. The registration of an FIR and conduct of investigation are acts performed by the officials of police department a provincial law enforcement agency and therefore fall within the supervisory jurisdiction of this Court under Article 199(1)(a)(ii). Consequently, if this Court concludes that such actions have been taken without lawful authority, it may declare them void and may also issue any incidental or consequential directions necessary to give effect to its decision, including quashment of FIR and investigation/court proceedings based on such FIR.

8. Examining the case on the touchstone of the afore-noted rationale, we find that there is no denial of the fact that Section 506 PPC, for an offence of criminal intimidation to arise, the threat must be such as to cause *alarm*, or to compel the complainant to do or abstain from doing something which he is legally entitled to do. A mere 'threat simpliciter,' without necessary intent to cause alarm or to compel a person to act or refrain from acting, does not fulfil the ingredients of criminal intimidation. Courts have consistently held that where the record does not contain a single word or expression indicating that any threat was actually extended, or that the complainant was required to perform an unlawful act or to abstain from a lawful one, the offence under Section 506 PPC is not made out. This principle has been reaffirmed by the competent courts, which have held that allegations of 'bare threats,' unsupported by any overt act or evidence demonstrating that the complainant was genuinely alarmed or coerced, do not disclose a cognizable offence, as ported in the present case; and therefore cannot justify the registration of an FIR." As recognized in writ-jurisdiction of superior courts, quashment of FIR is an extraordinary relief and can be granted where the complaint is manifestly false, based on an ulterior motive, or no offence prima facie is disclosed. Additionally, reliance on case law such as **PLD**

1971 SC 677 (*“Shahnaz Begum v. Judge, High Court of Sindh & Balochistan”*) confirms that wherever an investigation or prosecution is launched mala fide or clearly beyond jurisdiction, the superior court may intervene under its constitutional or inherent powers to quash such proceedings.

9. In the instant matter, the factual matrix prior civil suit for money, delayed lodging of FIRs, close relationships between private respondents and defendant, disposition of one FIR as “B-Class/false” after investigation, firmly indicates that these FIRs were filed for harassment/revenge, and not bona fide criminal acts. Consequently, even if taken at face value, the allegations do not meet the threshold for criminal intimidation under Section 506 PPC or any other cognizable offence. Thus, in exercise of its extraordinary constitutional jurisdiction and in the interest of justice, this Court deems it appropriate to order for reinvestigation of challaned FIRs, for a fair and impartial reinvestigation under DIGP supervision.

10. This Petition stands disposed of in the above terms. However, a copy of this order shall be transmitted to the concerned DIGP for compliance within one month. The DIGP shall ensure that a reinvestigation report is submitted before the trial court. Upon receipt of the report under Section 170 Cr.P.C. if any, the Magistrate shall form an independent and unbiased opinion in accordance with law. However, if the report is submitted under Section 173 Cr.P.C. with the conclusion that no offence has been committed, the Magistrate shall duly consider the same for appropriate disposal of the case in light of Investigation Officer’s request.

11. Before parting, it is essential to address the legal position governing the quashment of FIRs under Article 199 of the Constitution. Normally, this Court exercises extreme restraint in extending such relief, as consistently reiterated by the Honourable Supreme Court of Pakistan. In *Muhammad Ali v. Samina Qasim Tarar* (2022 SCMR 2001) and more recently in *Ayesha Tayyab v. SHO Cantt., Sialkot* (2025 SCMR 1117), the August Court has held that quashment of an FIR in constitutional jurisdiction is an extraordinary and exceptional deviation, permissible only when the FIR, on its face, discloses no offence, or when continuation of proceedings amounts to a clear abuse of process, mala fide exercise of authority, or a colourable misuse of the criminal law. The Supreme Court reaffirmed that an accused is ordinarily bound to first invoke the statutory remedies available before the trial court under Sections 249-A and 265-K Cr.P.C., which adequately empower the trial court to terminate criminal proceedings where charges are groundless or unsupported by evidence. Constitutional Jurisdiction cannot ordinarily be invoked to bypass the procedural and substantive mechanisms prescribed by the Cr.P.C.

12. However, the present matter stands on an exceptional and singular footing. The cumulative factual circumstances namely, the pendency of a civil dispute preceding the registration of all FIRs, the admitted close association between the complainants and the civil defendant, the delayed lodging of complaints, and the classification of one FIR as "B-Class" after investigation collectively demonstrate a pattern of abuse of process and targeted harassment that strikes at the very root of lawful authority. These features distinguish the instant case from the general rule and warrant the extraordinary interference of this Court to prevent miscarriage of justice. It is, therefore, clarified that this interference is being exercised strictly on the peculiar facts and exceptional circumstances of the present case alone, and shall not be treated as a precedent for quashment of FIRs in routine criminal matters, subject to all just exceptions as provided under the law. Disposed of accordingly.

JUDGE

JUDGE

karar_hussain/PS*