

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-1898 of 2025

[Ghulam Hyder vs. Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr Irfan Ali Khaskheli, Advocate for the petitioner

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

Mr. Shahid Shaikh Additional Prosecutor General Sindh

Date of hearing & decision: 15.12.2025

ORDER

ADNAN-UL-KARIM MEMON J.- Petitioner prayed that this Court may be pleased to:

a. Set aside all proceedings and actions arising out of FIR No. 13 of 2025, registered at Police Station Kishorpur, being illegal, unlawful, against the relevant laws and rules, and in violation of the fundamental rights of the petitioner.

b. Direct the respondents to quash FIR No. 13 of 2025, Police Station Kishorpur, as the same is false, managed, and bogus.

c. Declare that any arrest of the petitioner without collection and appreciation of incriminating material is illegal, unlawful, and in violation of mandatory statutory provisions, as well as contrary to the law laid down by the Honorable Supreme Court in *Sughra Bibi v. State* (PLD 2018 SC 595).

d. Direct the respondents to conduct a departmental inquiry against the police officials and all concerned authorities for misuse of official powers.

e. Restrain the respondents, police, and the complainant from harassing or illegally arresting the petitioner.

f. Direct the respondent police authorities that no FIR against the petitioner shall be registered in future without first placing the material before this Honorable Court.

2. The case of the petitioner is that he is a peace-loving and law-abiding citizen and has no connection whatsoever with any unlawful or illegal activity. Despite this, the petitioner has continuously been subjected to victimization on account of political rivalry and personal enmity. The respondents, who are legally obligated to safeguard the lives and liberty of citizens and to act strictly in accordance with law, have miserably failed to discharge their statutory duties. It is submitted that the dispute between the parties is purely of a civil nature, relating to agricultural land. The complainant, being an influential person and harboring

ulterior motives to unlawfully occupy the petitioner's land, has abused the process of law by lodging the present false, frivolous and fabricated FIR against the petitioner. After registration of FIR, the complainant took undue advantage of the petitioner's vulnerable position and, through illegal and high-handed means, forcibly removed 300 wheat bags belonging to the petitioner. Aggrieved by this unlawful act, the petitioner approached this Court by filing Criminal Revision Application, which is presently pending adjudication. It is further submitted that multiple FIRs have been lodged against the petitioner at the behest of complainant with the sole purpose of harassing, pressurizing, and coercing the petitioner into surrendering his lawful land. In furtherance of this mala fide design, the petitioner and his cousin were illegally detained by the local police under the influence and instigation of complainant. Consequently, the brother of petitioner was constrained to file Criminal Miscellaneous Application under Section 491 Cr.P.C. before learned District & Sessions Judge, Shaheed Benazirabad, whereupon the illegal detainees were ordered to be released.

3. The petitioner counsel contended that the petitioner was compelled to invoke the jurisdiction of learned District & Sessions Judge, Shaheed Benazirabad, by filing Criminal Miscellaneous Application under Sections 22-A and 22-B Cr.P.C., which was duly allowed. Despite these lawful orders, the petitioner was forcibly dispossessed from his rightful land, and, in blatant collusion with the complainant, the police party even set fire to the houses of petitioner constructed thereon. Instead of extending lawful protection to the petitioner, the local police acted as a tool in the hands of complainant and have adopted a biased, mala fide, and politically motivated approach by registering the impugned FIR without any lawful justification. It is emphatically denied that any such occurrence, as alleged in the impugned FIR, ever took place. The entire narrative set out in the FIR is false, concocted, and fabricated, devised solely to create false criminal liability against the petitioner in order to settle personal and political scores. He therefore, submitted that the impugned FIR is illegal, unlawful, against the facts on record, and contrary to law and justice. Unless the same is quashed, the petitioner shall suffer irreparable loss, injury, and miscarriage of justice. He prayed to allow this Petition.

4. Learned Assistant Advocate General and Assistant Prosecutor General submitted that SHO PS Kishorepur has filed a comprehensive report, which reveals that there exists a longstanding dispute between the petitioner, namely Ghulam Hyder son of Khan Muhammad Khaskheli, and the private respondents, including Manthar Zardari and others, regarding ownership and possession of agricultural land situated in Deh Mirzapur, falling within the territorial jurisdiction of Police Station Kishorepur. The report further discloses that on 09.04.2025, the petitioner along with his accomplices allegedly attacked and

unlawfully took possession of the land belonging to Manthar Zardari. During the said incident, they are reported to have looted 102 bags of wheat crop, which were loaded onto a tractor trolley. Consequently, FIR No. 03/2025 under Sections 395, 447, and 506/2 PPC was registered at Police Station Kishorepur against the petitioner and his associates. During the course of investigation, the stolen wheat crop along with tractor and trolley was recovered by the police and subsequently handed over to complainant Manthar Zardari, under the orders of 2nd Additional Sessions Judge, Shaheed Benazirabad. After completion of investigation, the case was duly challaned before the competent court of law for trial. It is further reported that despite the above proceedings, the petitioner party again attempted to illegally occupy the disputed land on 16.06.2025, which led to the registration of another FIR No. 04/2025 under Sections 448, 511, and 506/2 PPC at Police Station Kishorepur. This case was also investigated and challaned before the competent court of law. However, due to timely intervention of local police, the situation was temporarily brought under control, and the petitioner party refrained from further escalation for a brief period. According to the SHO's report, the petitioner party once again escalated the situation on 12.10.2025 by allegedly arriving at the disputed land armed with deadly weapons, setting fire to the houses of Manthar Zardari and his associates, and making another attempt to forcibly seize the land. In respect of this occurrence, another FIR No.13/2025 under Sections 436, 440, 448, and 511 PPC was registered at Police Station Kishorepur against the petitioner party. After completion of investigation, the case was again challaned before the competent court of law for judicial proceedings. The report further states that the petitioner party has allegedly been persistently involved in unlawful land-grabbing activities and acts of violence against their rivals, including the private respondents. It is also asserted that the petitioner has adopted the practice of filing false and frivolous complaints against the private respondents and local police officials as a tactic to mislead the authorities, obstruct the course of justice, and exert undue pressure upon both their rivals and the police machinery. In view of the above facts and circumstances, they prayed that the constitutional petition be dismissed.

5. We have given anxious consideration to the arguments advanced by counsel for the parties and have perused the record with their assistance. It is not disputed that there exists a civil dispute between the parties regarding ownership and possession of agricultural land. It is also evident that multiple FIRs have been registered between the same parties within a short span of time, each relating to attempts to take possession of the disputed land. Such circumstances require the courts to exercise extra caution to ensure that criminal proceedings are not being used as a tool for settling civil scores.

6. The Supreme Court of Pakistan in Sughra Bibi v. State (PLD 2018 SC 595) has categorically held that arrest and investigation must not be carried out in a mechanical manner and that the police are under legal obligation to act fairly, independently, and strictly in accordance with law. It has further been emphasized that investigation must be free from bias, mala fide, and external influence, and where allegations of partiality or misuse of authority are raised, higher police officers are duty-bound to ensure a transparent and impartial investigation.

7. In the present case, without commenting upon the merits of the allegations levelled by either side, this Court is of the considered view that, in order to meet the ends of justice and to dispel any apprehension of bias, an independent and impartial reinvestigation by a senior police officer is warranted. Such a course would also be in consonance with the law laid down by the Supreme Court in the case of Sughra Bibi case supra.

8. Accordingly, this petition is disposed of with direction to Deputy Inspector General of Police, Hyderabad Range, to assign the further investigation of FIR No. 13 of 2025, Police Station Kishorepur, to a competent and independent DSP, of good repute preferably DSP Siraj Lashari, for further investigation of the subject FIRs in accordance with law. The said DSP shall conduct a fair, impartial, and transparent investigation strictly in terms of the mandate of law and shall submit his report under Section 173 Cr.P.C. before the concerned Magistrate/trial Court, who shall pass appropriate orders on the said report in accordance with law. Meanwhile no harassment shall be caused to either party during the intervening period.

9. The aforesaid exercise shall be completed within a period of one month from the date of this order. A copy of this order shall be transmitted to the DIGP Hyderabad for immediate compliance.

JUDGE

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