

Order Sheet
HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 2027 of 2025
[Sheeraz Ahmed v. Province of Sindh & others]

Before :

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

Petitioner : Through Mr. Bilawal Bajeer Advocate
Mr. Siraj Ahmed Bijarani, A.P.G.

Mr. Muhammad Ismail Bhutto, Addl. A.G., along with Insp. Manzoor Ali for SSP Hyderabad, ASI Waqas PS Hussainabad, and ASI Yaqoob Lanjar, I.O, and SIP Faheem Hussain from DIGP Office Hyderabad

Date of Hearing & Decision: 11.12.2025

O R D E R

ADNAN-UL-KARIM MEMON, J.-Through the captioned Constitutional Petition, the Petitioner has prayed as under:-

- a. To direct the official respondents to adopt stringent measures for the immediate arrest of the accused of crime No.136 of 2025 (respondent No.11), who is roaming freely without any fear of arrest, and extending the petitioner threats of dire consequences, including murder, abduction, and his involvement in a string of false cases of heinous nature.
- b. Interim orders solicited, whereby directing the official respondents to immediately block the CNIC of the respondent No.11 and place his name in the Exit Control List (ECL).
- c. Costs of the petition may be saddled upon the respondents.
- d. Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.

2. The case of the Petitioner is that he is an Advocate by profession; that respondent No.11 issued Cheque No. 15960263 dated 12.06.2025 for an amount of Rs. 9,500,000/- of Khushhali Microfinance Bank, Thatta Branch, which, upon presentation was dishonoured. Thereafter, he lodged FIR No. 136 of 2025 under Section 489-F PPC at Police Station Hussainabad, Hyderabad, against the said respondent. The Petitioner has also instituted Summary Suit No. 116 of 2025 against respondent No.11, which is pending adjudication before the Court of VIIth Additional District Judge, Hyderabad. In the said suit, respondent No.11 did not

personally appear and instead filed an application for leave to defend through his attorney.

3. The Petitioner asserts that despite having definite knowledge of FIR and pendency of summary suit, respondent No.11 has neither applied for bail nor surrendered before the police. Instead, he continues to move freely, exerting pressure upon the Petitioner to withdraw from the said proceedings and compelling to compromise on terms dictated by him. The Petitioner states that these facts were brought to the knowledge of Investigating Officer, but he is acting in collusion with respondent No.11, as he failed to arrest him. Even after lapse of three months, no challan has been submitted. Under these circumstances, the Petitioner submitted an application under Section 190 Cr.P.C before the concerned Magistrate, but no order has been passed. He further claims that despite approaching the official respondents for the arrest of respondent No.11, no action has been taken due to the respondent's considerable influence and political backing. Respondent No.11 allegedly continues to roam freely while extending threats of dire consequences, including implicating the Petitioner in false and heinous cases. For these reasons, the Petitioner, being an "aggrieved person" within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan, has filed the present Constitutional Petition.

3. Upon notice, SSP Hyderabad has filed comments stating that the petitioner's grievance pertains to private respondent No.11 regarding monetary transaction, in respect of which the petitioner lodged FIR No. 136/2025 under Section 489-F PPC at Police Station Hussainabad, Hyderabad, and has also instituted a summary suit, which is currently sub judice. He submitted that on 07-07-2025, the petitioner lodged the aforementioned FIR against accused Gulzar Ahmed Samejo. After registration of the FIR, the Investigating Officer made strenuous efforts to arrest the accused; however, the accused went underground and could not be apprehended. Upon completion of investigation, I.O submitted the final report under Section 173 Cr.P.C. before the competent court, wherein the accused was declared an absconder under Section 512 Cr.P.C. He stated that the efforts are continuing to arrest the absconding accused. He added that if the petitioner assists by identifying or providing the location of the accused, the police shall extend full cooperation and ensure his arrest. The SSP has categorically refuted and denied the allegations made by the petitioner against the local police of Hussainabad, Hyderabad, and has prayed for dismissal of the petition.

4. SSP Thatta, after calling report from SHO PS Makli, has stated that the FIR was lodged by the Petitioner at Police Station Hussainabad, Hyderabad. The Petitioner has neither appeared at Police Station Makli nor reported any cognizable matter there. Furthermore, no team from District Hyderabad Police has visited PS Makli in connection with the investigation of the said crime. The SSP added that if

and when the Petitioner approaches PS Makli for legal action, appropriate action will be taken in accordance with the law.

5. It is observed that the matter raised by the Petitioner primarily pertains to civil-like dispute concerning a financial transaction between the parties, as evidenced by the dishonored cheque and the pending Summary Suit No. 116 of 2025 before the Court of VIIth Additional District Judge, Hyderabad. The FIR lodged by the Petitioner against respondent No.11 is also sub judice, and the issue of accused's alleged absconson is to be addressed by the trial court in accordance with law.

6. This Court cannot, under the garb of constitutional jurisdiction under Article 199 of the Constitution, intervene in a civil or monetary dispute nor direct the police to effectuate the arrest of accused, which is the function of police to arrest the absconder if the trial court has directed for his arrest subject to all just exceptions as provided under the law. Prima facie, it appears that the Petitioner seeks to use this Court to achieve civil objective, which is not permissible under the constitutional mandate. Accordingly, the petition being misconceived is dismissed.

JUDGE

JUDGE

karar_hussain/PS*