

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 2052 of 2025
[Sajan and others v. Province of Sindh & others]

Before :

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

Petitioners : Through Mr. Raja Hansraj Naurang, Advocate

Mr. Shahid Ahmed Shaikh, A.P.G. along with Insp. Muhammad Chungal for SSP Hyderabad, Muhammad Ayoub Oad SHO PS Baldia, ASI Muhammad Yousaf Rajput PS Baldia, SIP Farooq PS Baldia I.O and ASI Abdul Ghani PS Baldia

Date of Hearing
& Decision: 18.12.2025

ORDER

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

- (a) Quash the F.I.R. No: 170 of 2025 of Police Station Baldia, Hyderabad, Sindh, under Section 5/A Gambling Ordinance as the same has been got registered by the Respondent No: 5, with malafide intention and ulterior motives, in collusion with the Respondents No: 3 and 4 which is false and frivolous, injures honour and reputation of the Petitioners and amounts to unnecessary harassment and humiliation to the families of the Petitioners.
- (b) Declare that the instant FIR No: 170 of 2025 is oppose the Section 5-A, which describe that A Police Officer, not below the rank of Sub-Inspector may arrest without warrant any person committing an offence under section 5, but in this case the arresting official is ASI.
- (c) Direct the Respondents No. 2 to register the F.I.R. against the Respondents No: 3 to 5, for keeping the Petitioners in illegal detention for 4 hours, without any lawful justification, and making upon them severe torture themselves and through their private ghunda accused.
- (d) Restrain the Respondent No: 2 from indulging in inhuman barbarian act with the innocent person, and stop to kill and destroying the legs of the human beings showing the false and fabricated self-made police encounter.
- (e) Declare that the barbarian act of Respondent No: 1 with terminology of "half fry" and "full fry" is illegal and against the basic human rights.
- (f) Restrain the Respondents No: 3 to 5 from pressurizing and harassing the Petitioners, and their family members, in any manner, in collusion without each other's without due course of law.

- (g) Declare that the keeping Private Ghundas with them, and with whom making torture upon innocent peoples, entering in the house or covered area of the mandir/Temple is illegal and unlawful and without due course of law, and this act should be rejected by this Honourable Court.
- (h) Depute any learned Civil Judge or Officer of this Honourable Court, to conduct impartial inquiry regarding the guilt and high handedness of the Respondent No: 3.
- (i) That the cost of the Petition may be awarded to the Petitioners
- (j) Any other relief which this Honourable Court deems fit and proper may be awarded.

2. The case of the petitioners is that ASI Abdul Ghani Zardari of Police Station Baldia, Hyderabad, lodged F.I.R. No. 170 of 2025 under Section 5-A of the Gambling Ordinance. It was alleged that on 13.11.2025, during patrolling near Rickshaw Stand, Gharibabad, several persons were found gambling. Seven accused, including the petitioner's son, were apprehended, and playing cards, mobile phones, and cash totaling Rs. 1,710/- were recovered.

3. Learned counsel for the petitioners contended that the petitioners are innocent and have been falsely implicated. The F.I.R. is alleged to be malicious, frivolous, and baseless, motivated by personal/family disputes, and amounts to harassment and humiliation. It was argued that The petitioners were performing religious worship at Devi Mata Mandir when Respondents 3 to 5, along with others, entered illegally, arrested them, and detained them inhumanely for five hours. Their religious sentiments were violated, potentially attracting liability under Section 295 PPC. There are no independent witnesses; all witnesses are subordinates of the complainant, rendering evidence unreliable. The petitioner's son, Hassan, is falsely implicated and threatened with further fabricated cases and possible extrajudicial harm. The F.I.R. lacks any reasonable or legal basis and the petitioners have no criminal history. The petitioners seek quashing of the F.I.R. on the grounds of malicious prosecution, false implication, and lack of legal justification.

4. Learned A.A.G. submitted that the case has been recommended under Section 173 Cr.P.C. and it is for the learned Magistrate to agree or disagree with the investigation report arising out of FIR No. 170 of 2025 of PS Baldia. He prayed to dismiss the Petition.

5. Having considered the record, it appears that the matter pertains to allegations of gambling under F.I.R. No. 170 of 2025 and the subsequent arrest of the petitioners. Without delving into the merits of the allegations, it is observed that the verification of facts, collection of evidence, and determination of any criminal

liability fall within the exclusive jurisdiction of the competent police and judicial authorities.

6. The petitioners are entitled to have their grievances, including claims of false implication or unlawful detention, investigated and adjudicated in accordance with law. The DIGP Hyderabad is directed to ensure further investigation of the matter fairly, expeditiously, by the rank of DSP to be nominated by him and such report be furnished to the concerned Magistrate for appropriate orders on the further investigation report, such conclusion shall be drawn after hearing the parties within one month.

7. Accordingly, the petition stands disposed of in the above terms.

JUDGE

JUDGE

karar_hussain/PS*