

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 2087 of 2025

[Saad Ahmed Memon v. Federation of Pakistan & others]

Before :

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

Barrister Faizan Hussain Memon, Advocate for Petitioner

Mr. Rafiq Ahmed Dahri, Asstt. A.G., along with Insp. Saeed Ahmed Shaikh,
NCCIA, CCPC Hyderabad

Date of Hearing
& Decision: 16.12.2025

ORDER

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

- a) Declare that the actions of Respondents No. 3 and 4 are arbitrary, capricious, discriminatory, illegal, mala fide, unconstitutional, unjust, unlawful, whimsical, against the principles of natural justice;
- ii. Direct the Respondent No. 2 to transfer the inquiry to an officer outside Hyderabad to ensure a fair and impartial investigation after verification of the complaint and supporting evidence;
- iii. Direct the Respondents to provide the Petitioner with a copy of the complaint and all relevant documents;
- iv. Restrain Respondents from taking any adverse, coercive, or harassing action against the Petitioner, including arrest, until the completion of the investigation, and direct that the investigation report be provided to the Petitioner;
- v. Any other relief this Honorable Court may deem appropriate and proper in the circumstances of the case; and
- vi. Grant costs of this petition.

2. The Petitioner case is that he is sole proprietor of “Marhaba Restaurant” and “Marhaba Playland”. However, his father and paternal uncles have been unlawfully interfering in his business, attempting to dispossess and oust him from his rightful ownership. The Petitioner filed Civil Suit before the Court of 7th Senior Civil Judge, Hyderabad on 15.11.2025, following which the trial court passed status-quo orders dated 15.11.2025 and 20.11.2025. Despite this, the Petitioner’s father and paternal uncles, who are defendants in the civil suit, have resorted to coercive tactics to

pressure him into withdrawing the suit. It is emphasized that the mala fide intentions of the Petitioner's father are evident from the filing of Cr. Misc. Application No. 6958 of 2025 under Sections 22-A & 22-B Cr.P.C, seeking registration of an FIR against the Petitioner. This application was dismissed by learned 3rd Additional District & Sessions Judge, Hyderabad, vide order dated 19.11.2025. Furthermore, the Petitioner's father lodged a complaint with Respondent No.3, containing false and fabricated allegations against the Petitioner. Notably, the allegations are not cognizable; nevertheless, Respondent No.4 visited the Petitioner's residence on 17.11.2025, attempting to harass and victimize him. The Petitioner was not at home at the time. At the time of Respondent No. 4's visit, the Petitioner's mother, who is suffering from Systemic Lupus Erythematosus (SLE), was alone at home. In her vulnerable condition, she sought clarity regarding the allegations and inquired whether any notice of enquiry had been issued, but Respondent No.4 failed to provide any information. Subsequently, the Petitioner obtained copy of complaint filed by his father through the records of Cr. Misc. Application No. 6958 of 2025 and voluntarily appeared before Respondents 3 & 4 on 21.11.2025 to submit his response. Despite this, the Respondents' mala fide intent became evident from their refusal to accept his reply and their attempt to coerce him into withdrawing the Civil Suit, demonstrating clear bias and partiality. Faced with the refusal of Respondents 3 & 4 to accept his response, the Petitioner submitted his reply via courier and email on 22.11.2025. Additionally, he lodged a written complaint with Respondent No.2 through a letter dated 22.11.2025, sent via courier, highlighting the conduct of Respondents 3 & 4 and requesting an impartial inquiry to be conducted by an officer outside the Hyderabad region. The Petitioner apprehends that Respondents 3 & 4, acting at the behest of his father, may circumvent the law and violate his rights. The malafide nature of their actions is further underscored by the absence of corroboratory material supporting the complaint and the lack of verification of the allegations, indicating an attempt to misuse the inquiry process for ulterior motives and to harass the Petitioner. The Petitioner's apprehension of bias and unfair treatment is well-founded, given the conduct of Respondents 3 & 4 on 21.11.2025, where he was subjected to inhumane treatment, being made to wait in their office for hours in blatant disregard of his dignity and respect. In view of the above, the Petitioner has filed the present Constitutional Petition.

3. Learned counsel submitted that the actions of Respondents constitute a blatant abuse of power and procedure, deliberately aimed to harass and intimidate the Petitioner. It was argued that Respondents 3 & 4 are misusing their official authority to coerce the Petitioner into relinquishing his lawful rights. The conduct of Respondents 3 & 4 represents clear departure from the principles of fairness, justice, and the rule of law, indicating intent to exploit their positions to undermine the Petitioner's rights. Their actions are in violation of law and principles of good

governance, particularly in light of the absence of corroborative or verified evidence supporting the complaint against the Petitioner. Counsel emphasized that the Petitioner's fundamental rights must be protected, and that he is entitled to a fair and impartial inquiry, free from the evident bias of the Respondents. The concerted effort by Respondents 3 & 4 to harass and intimidate the Petitioner warrants judicial intervention to ensure such an inquiry. The actions of Respondents 3 & 4 are arbitrary, unjustified, and misuse of power, undermining both the principles of good governance and the rule of law. Public officials are expected to act on the basis of credible evidence and follow established procedures, upholding fairness and justice. In order to guarantee that the Petitioner receives a just and unbiased hearing, free from undue influence and intimidation, it is imperative that the inquiry be transferred to an officer outside the Hyderabad jurisdiction. Public functionaries are legally bound to act justly, fairly, reasonably, and objectively, as prescribed under Section 24-A of the General Clauses Act, 1897. In the present case, however, the Respondents are acting according to their own whims and preferences. Counsel therefore prayed that the instant petition be allowed.

4. Upon notice, Saeed Ahmed Shaikh, Enquiry Officer, NCCIA, Cyber Crime Hyderabad, appeared in court and, referring to his compliance report, submitted the complaint was received from Dr. Niaz Ahmed Memon against his son Saad Ahmed Memon and others, residents of Qasimabad, Hyderabad, alleging that they have been defaming, harassing, cyber-stalking, abusing and making baseless allegations against him via social media, WhatsApp, and multiple Facebook IDs, from November 2024. As a result, the complainant has suffered serious mental distress, harassment and reputational harm, adversely affecting his personal life and business. On the basis of this complaint, ENQ No. 523/2025 was registered by the competent authority for further investigation. The statement of complainant, Dr. Niaz Ahmed Memon, was recorded, wherein he stated that his son, Saad Ahmed Memon (aged 23 years), had been engaging in criminal activities through social media, including threatening, harassing, and extorting money, since October 2025, and spreading defamatory content through various Facebook IDs. Specifically, the complainant stated that Saad Ahmed Memon posted on Marhaba Super Market Hyderabad Business Page disparaging remarks, such as *"Marhaba owners are scammers, boycott Marhaba Hyderabad Bahria Town and Isra Village"* and *"Scammer hai Marhaba Ke maliq Sheraz Memon, Faraz Memon Niaz Memon sabse bara"*, since 5 October 2025, causing mental distress to the family and damaging the business reputation. Due to the alleged disobedient behavior and misconduct of his son, the complainant disowned Saad Ahmed Memon from all his movable and immovable properties, assets, and business, declaring that the Petitioner shall have no right, claim, or interest therein. This disownment was also published in DAWN Newspaper and Rozana Kawish, Hyderabad, on 13 November 2025. During enquiry, the Enquiry

Officer issued a notice under Section 160 Cr.P.C to Saad Ahmed Memon to record his version of events as per the allegations. However, he failed to appear and did not provide his statement. Further, considering the cognizable nature of the offence, the Enquiry Officer, after obtaining prior permission from the competent authority, conducted a raid for seizure of digital material related to the enquiry in Qasimabad, Hyderabad, making an entry in local P.S Qasimabad vide No. 20 dated 19.11.2025. The alleged person was not present, and no digital equipment was recovered. The Enquiry Officer submitted that Saad Ahmed Memon is required to record his statement so that the enquiry can be concluded on merit. The NCCIA is continuing to investigate the allegations to ascertain the facts, as the complainant is being mentally victimized, threatened, and defamed, with adverse effects on his business through social media. It was further submitted that the complainant had previously filed C.P No. D-1879 of 2025 seeking protection from Police, FIA, and Cyber Crime authorities, prior to the present Petition. In view of the above, the Enquiry Officer requested that this Court direct the petitioner to appear and join the enquiry, so that it may be concluded on merit.

5. After hearing the counsel for the Petitioner and the submissions of Enquiry Officer, NCCIA, as well as considering the material on record, it is noticed that the Petitioner has claimed to be the sole proprietor of “Marhaba Restaurant” and “Marhaba Playland,” and has faced interference and coercion from his father and paternal uncles, who are also parties to a civil suit pending before the competent court. The Petitioner has alleged that Respondents 3 & 4 acted with mala fide intent, misused their official authority, and attempted to coerce him into withdrawing the Civil Suit, thereby raising a prima facie question regarding bias and violation of his fundamental rights. NCCIA, Cyber Crime Hyderabad, has registered ENQ No. 523/2025 based on a complaint filed by Dr. Niaz Ahmed Memon against the Petitioner, regarding alleged defamation, harassment, and cyber crimes. The enquiry is ongoing, and the Petitioner’s participation is necessary to ensure the matter is investigated on merit.

6. Considering the allegations of bias and undue influence raised by the Petitioner in respect of Respondents 3 & 4, and in order to ensure that the enquiry proceeds in a fair, impartial, and transparent manner, it is necessary that the Petitioner be provided an opportunity to present his version without any coercion or undue pressure.

7. The Petitioner shall cooperate with NCCIA enquiry and appear to record his statement at a date and time fixed by the Enquiry Officer.

8. To ensure impartiality, the competent authority shall assign the enquiry to another officer to safeguard the Petitioner’s right to a fair investigation. The Enquiry

Officer shall ensure that the enquiry is conducted expeditiously, transparently, and in accordance with law, giving due consideration to the submissions and responses of the parties, meanwhile no harassment shall be caused to either party.

JUDGE

JUDGE

Karar_Hussain /PS*