

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-699 of 2025

[Prem Kumar vs. Province of Sindh & others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Wishan Das, advocate for petitioner(s)

Mr. Muhammad Sharif Solangi Assistant A.G Sindh along with SIP Kamal Samejo

Date of hearing & decision: 12.11.2025

ORDER

ADNAN-UL-KARIM MEMON J:- The petitioner prays that as under:

- a. **Quash** FIR No. 73/2025 and FIR No. 77/2025, both registered at PS Mithi under Sections 406, 420, 506(ii) PPC r/w Section 3(ii) of the Sindh Prohibition of Interest on Private Loan Act, 2023.
- b. **Direct** respondent No. 2 to personally inquire into the matter and ensure no false FIRs are lodged against the petitioner.

2. The case of the petitioner is that he running mobile communication shop under the name *Raja Communication (Partnership)*. The private respondents, being residents of nearby areas are well known to the petitioner. On 02.07.2025, the petitioner was falsely implicated in FIR No. 54/2025 at PS Mithi, District Tharparkar, under Sections 406, 420, 506(ii) PPC r/w Section 3(ii) of the Sindh Prohibition of Interest on Private Loan Act, 2023, using a dummy complainant. The petitioner obtained bail and is facing trial. Thereafter, respondent No.4 threatened the petitioner to fulfill illegal demands otherwise false cases would be lodged. On 19.07.2025 another false FIR No. 41/2024 was registered at PS Dano Dhandhal under similar sections. Subsequently, more FIRs (No. 73/2025 and 77/2025) were registered at PS Mithi. The petitioner obtained bail in all cases and was acquitted in two cases; however, despite submitting evidence of innocence, the Investigating Officer refused to discharge him. The petitioner is continuously harassed by the police at the behest of private respondents, who are politically influential. Raids are being conducted at his residence and threats are being issued to implicate him in further false cases. The petitioner has filed harassment and protection petitions before the competent courts and approached senior authorities, but no relief has been provided. The respondents' actions are unlawful and have caused severe mental distress and insecurity to the petitioner and his family, who now live under constant fear and threat.

3. Respondent No. 2 (Superintendent of Police, Tharparkar) submits that the petitioner has long been involved in illegal private lending on interest, adversely affecting the public. Multiple FIRs have been registered against him in different police stations of Tharparkar. All cases were registered lawfully and investigated on merit. After completion of investigation, challans were submitted to the competent courts. The petitioner was never harassed or threatened by the police. The present petition has been filed to avoid legal consequences.

4. In view of the foregoing facts, the petitioner submits that the ongoing registration of FIRs, the threats, the alleged misuse of police machinery and the raids at his residence by the private respondents and local police officers are not only causing grave injustice but also risk violating the spirit and letter of the Sindh Prohibition of Interest on Private Loans Act, 2023 (hereinafter “the Act”).

5. The Act clearly prohibits any person or group from engaging in interest-based private lending and provides specific obligations for the police and other authorities to register complaints and take action. Section 3(1) of the Act prohibits “money-lenders, individually or in a group of persons ... advancing a loan ... for the purpose of receiving interest thereon, nor carry on an interest-based transaction in Sindh.” The Act provides that offences under it are cognizable, non-compoundable and non-bailable. This Court has already ordered a province-wide crackdown and directed the police and Home Department to ensure compliance with the Act (including framing of rules under Section 16) and strict registration of complaints under Section 6 of the Act.

6. Given the above, it is imperative that the police department in the Province of Sindh take active, impartial and lawful steps to ensure that nobody should be allowed to continue such practice. Registration of FIRs or raids must conform with due process, free of political or extra-legal influence and the petitioner’s rights to fair investigation and trial must be protected. The enforcement of the Act by the police is not one-sided. While the Act aims at stopping illicit interest-based lending, it does not provide a license for misusing the criminal justice system to harass persons. The police must register the FIRs under “the Act”, but investigate properly and act upon any credible complaint on the subject issue for the enforcement of the object of the Act.

7. In light of the above, this petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*