

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Petition No. S – 175 of 2026

(Mujahid Hussain v. Province of Sindh & others)

Date of hearing : 07.08.2026

Date of decision : 07.08.2026

Mr. Javed Miandad Chandio, Advocate for petitioner.
Mr. Zulfiqar Ali Naich, Assistant Advocate General, Sindh.
Fateh Muhammad Awan, DSP Mehrabpur, Raja Naveed Ahmed,
SHO Police Station Mehrabpur.

ORDER

Arbab Ali Hakro, J. – The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions to the official respondents to refrain from allegedly harassing him and his family members, to abstain from registering any false criminal cases against them at the behest of private respondent No.11 and to ensure protection of their life, liberty and property strictly in accordance with law.

2. The case set out in the petition is that the petitioner asserts that on 21.05.2026, he and his brother were unlawfully detained at Police Station Mehrabpur. He further alleges that on 07.06.2026, the SHO, accompanied by subordinate police officials, illegally raided his residence, maltreated him, and threatened to implicate him in false criminal cases. Apprehending further harassment by the police, the petitioner approached the learned Ex-Officio Justice of Peace by filing Criminal Miscellaneous Application No. 1765 of 2026 under Sections 22-A and 22-B Cr.P.C. It is stated that during the pendency of the said application, FIR No. 99 of 2026 was registered against him, and that notwithstanding the order dated 15.06.2026 passed therein, another FIR bearing No. 102 of 2026 was also registered against him. According to the petitioner, both FIRs were lodged mala fide and as a measure of retaliation. It is further pleaded that despite the order dated 15.06.2026, passed by the learned Ex-Officio Justice of Peace directing the police not to harass the petitioner unlawfully and to act strictly in accordance with law, the respondents persisted in their alleged unlawful conduct.

3. Learned counsel for the petitioner reiterated the averments in the petition and contended that the official respondents, in connivance with private respondent No. 11, have falsely implicated the petitioner in criminal cases and have been continuously harassing him and his family members. It was argued that FIR Nos. 99 and 102 of 2026 were registered mala fide and with the ulterior motive of victimising the petitioner after he sought legal recourse by approaching the learned Ex-Officio Justice of Peace for protection. Learned counsel further submitted that the impugned actions of the respondents are unlawful and without lawful authority. He therefore prayed that the respondents be restrained from subjecting the petitioner and his family members to any further harassment and be directed to act strictly in accordance with law.

4. The comments/reports submitted by respondent No.2 (Superintendent of Police, Naushehro Feroze), respondent No.4 (Sub-Divisional Police Officer, Mehrabpur), and respondent No.5 (Station House Officer, Police Station Mehrabpur), along with the documents annexed thereto, are taken on record. A perusal thereof reveals that the allegations levelled in the petition have been categorically denied by the official respondents. It has been reported that FIR Nos. 99 and 102 of 2026 were registered against the petitioner in relation to separate incidents, and that the investigations therein are being conducted strictly in accordance with law. It has further been stated that the petitioner approached the DIGP, Shaheed Benazirabad Range, pursuant to which an inquiry was conducted through DSP/SDPO Moro. The inquiry officer reportedly concluded that the aforesaid FIRs had been fairly and lawfully registered. According to the official respondents, the instant constitutional petition has been instituted by the petitioner with a view to evading the due process of law in the pending criminal proceedings and to exert undue pressure upon the police authorities.

5. I have heard the learned counsel for the petitioner and have carefully examined the material on record, including the comments submitted by the official respondents. The constitutional jurisdiction of this Court under Article 199 of the Constitution is extraordinary, equitable, and discretionary, and is to be exercised sparingly and only in appropriate cases. It is now a well-settled principle of law that this Court does not ordinarily interfere in matters relating to criminal investigation or pending

criminal proceedings, particularly where adequate and efficacious remedies are available under the ordinary law.

6. The record further shows that the petitioner had already availed of the statutory remedy under Sections 22-A and 22-B, Cr.P.C by filing Criminal Miscellaneous Application No. 1765 of 2026 before the learned Ex-Officio Justice of Peace. The said application was disposed of vide order dated 15.06.2026, whereby the official respondents were directed not to subject the petitioner to any illegal or unauthorized harassment and, in the event of his involvement in any criminal case, to proceed against him strictly in accordance with law.

7. The comments submitted by the Superintendent of Police, the Sub-Divisional Police Officer and the Station House Officer reveal that FIR Nos. 99 and 102 of 2026 were registered against the petitioner in connection with separate incidents, and the allegations levelled in the petition have been categorically denied. It has further been reported that the petitioner also approached the DIGP, Shaheed Benazirabad Range, whereupon an inquiry was conducted through DSP/SDPO Moro, who concluded that the aforesaid cases had been fairly registered.

8. Whether the allegations contained in the aforementioned FIRs are true or false, or whether the petitioner has been implicated mala fide, are disputed questions of fact that fall exclusively within the domain of the investigating agency and the competent criminal Courts seized of the matter. Such questions require appreciation of evidence and factual determination and therefore do not ordinarily warrant adjudication in the exercise of constitutional jurisdiction under Article 199 of the Constitution. The settled law is that this Court, while exercising its extraordinary constitutional jurisdiction, cannot embark upon an inquiry into the veracity of allegations made in criminal cases or assess the sufficiency of evidence collected during the investigation, as such matters are to be examined and determined by the forums specifically vested with jurisdiction under the criminal law.

9. Except for bald and generalized allegations, no tangible, credible, or cogent material has been placed before this Court to establish that the respondents are acting beyond the authority vested in them by law or are committing any illegality independent of the pending criminal proceedings.

Mere apprehension of harassment, or a bare assertion that criminal cases have been falsely and mala fide registered, without supporting the same through convincing material, does not constitute sufficient ground for invoking the extraordinary constitutional jurisdiction of this Court under Article 199 of the Constitution.

10. It is a settled principle of law that constitutional jurisdiction cannot be exercised on the basis of mere conjecture, surmise, or unsubstantiated allegations. In the absence of any prima facie material demonstrating abuse of authority, malice in law, or a patent violation of any fundamental or legal right, this Court would be slow to interfere in matters otherwise subject to the ordinary criminal process. The petitioner, if aggrieved by any action taken during the course of investigation or criminal proceedings, has adequate and efficacious remedies available under the relevant provisions of the criminal law, which he may avail himself of before the competent forum in accordance with law.

11. The principal relief sought by the petitioner is to restrain the police from allegedly harassing him and from registering false criminal cases in future, and to seek protection against lawful police action. Such blanket relief cannot be granted in exercise of constitutional jurisdiction, particularly when criminal proceedings have already commenced and their legality is amenable to examination by the competent criminal Courts under the ordinary law. The constitutional jurisdiction under Article 199 cannot be converted into a forum for supervising criminal investigations or for granting immunity against possible legal action. The petitioner has failed to establish any violation of his fundamental rights warranting interference by this Court in exercise of its constitutional jurisdiction.

12. For the foregoing reasons, finding no merit in this petition, the petition is dismissed. However, the official respondents are directed to act strictly in accordance with the law while performing their official functions. It is further clarified that this order shall not influence or prejudice any civil or criminal proceedings pending between the parties before any Court of competent jurisdiction, which shall be decided independently on their merits and strictly in accordance with the law.

JUDGE

Naveed Ali