

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-1175 of 2025

[Muhammad Abid vs. Federation of Pakistan and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Ishrat Ali Lohar, advocate for the petitioner

Ms. Shamim Mughal, Assistant Attorney General

Date of hearing & decision: 27.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- In this petition, the petitioner contests the Call-Up Notice dated 11.06.2025 issued by the Federal Investigation Agency, Anti-Money Laundering & CFT Circle Sukkur, in Enquiry No. 17 of 2024.

2. The complaint alleges that the petitioner along with certain customs officials, is involved in suspected money laundering, corruption, smuggling, and possessing smuggled weapons obtained from unauthorized dealers; that the petitioner facilitated and protected smuggling and other predicate offenses in violation of applicable law. Following a thorough investigation, including scrutiny and analysis of the forensic records held by F.I.A., it was revealed that the petitioner is allegedly engaged in laundering the proceeds of crime through labeling, parcellation, and related methods. Furthermore, there is evidence suggesting his involvement in smuggling activities in active collusion with certain customs officers and officials. Consequently, the petitioner was directed to personally appear before the Enquiry Officer to provide his statement and respond to specific questions concerning his alleged involvement in and knowledge of the aforementioned criminal activities.

3. Learned counsel for the petitioner argued that the petitioner is businessman of high repute within the business community; however, due to certain business enmities and political victimization, he was implicated in two criminal cases (i) FIR No. 20 of 2023 registered at P.S. FIA Hyderabad under Section 5(c) of the Prevention of Corruption Act, 1947 read with Section 156 of the Customs Act, 1969 and Section 109 PPC; and (ii) FIR No. 19 of 2023 registered with FIA ACC Karachi under Sections 156/8(89) of the Customs Act, 1969 read with Sections 109, 34 PPC and Section 5(2) of the Prevention of Corruption Act, 1947; that the petitioner has been acquitted in Crime No. 20 of 2023 vide order dated 15.02.2025, whereas the latter case remains pending before

the competent Court. Apart from these, no other FIR exists against him, he added. Nevertheless, he has been issued the impugned Call-Up Notice in connection with an Anti-Money Laundering inquiry, despite his acquittal in the predicate offence. Counsel submits that the Call-Up Notice is vague, perfunctory, and lacks legal foundation; that initiation of parallel proceedings through multiple FIRs instead of concluding the pending case is contrary to law; that the petitioner is being deprived of his right to fair investigation; and that the impugned notice is motivated by malafide and is wholly unjustified. He prayed to allow the petition.

4. Learned Assistant Attorney General, on the other hand, contends that Enquiry No. 17 of 2024 emanates from Crime No. 20 of 2023, which constitutes a predicate offence under the Anti-Money Laundering Act, 2010, as amended. He submits that the said FIR contains serious allegations of corruption, facilitation in smuggling, and unlawful possession of smuggled arms procured from unauthorized dealers. He further states that the inquiry was initially registered by the FIA AML Circle Karachi on the allegations that the accused persons laundered proceeds of crime and generated movable and immovable assets therefrom, and was subsequently transferred to FIA AML Circle Sukkur. According to him, the allegation of malicious prosecution or parallel investigations is misconceived and untenable in law, as each FIR and enquiry pertains to distinct acts involving different accused persons and beneficiaries. He argues that the matter is still under investigation; hence, the petition is not maintainable and is liable to be dismissed.

5. We have heard learned counsel for the parties and examined the record available before us.

6. The The petitioner's entire case rests on the assertion that the present AMLA enquiry is a derivative proceeding arising out of his earlier FIR and acquittal. However, the material available on record suggests otherwise. The subject-matter of Enquiry No. 17 of 2024 relates to **financial transactions, asset accumulation, and movement of funds distinct from the allegations forming the basis of Crime No. 20 of 2023**. This Court, in **C.P. No. D-508 of 2025** (Syed Momin Hussain Shah v. Federation of Pakistan) has explicitly held that **separate enquiries may lawfully proceed where the allegations, statutory provisions, or evidentiary foundations differ**, even if the individuals involved overlap. The Court observed that:

“Separate inquiries and criminal trials may lawfully proceed where each discloses distinct offences... the mere existence of an earlier FIR or pending inquiry does not, by itself, preclude subsequently initiated inquiries provided that the later proceedings pertain to separate ingredients of offence or newly surfaced evidence.”

7. Applying this settled law, the record before us clearly demonstrates that the present AMLA enquiry is **not an off-shoot or a continuation** of Crime No.20 of 2023, but is an **independent enquiry**, initiated on allegations of **money laundering, acquisition of disproportionate assets and financial transactions**, which were **never adjudicated** in the predicate proceedings. Therefore, the petitioner's foundational plea is misconceived. It is a well-established principle that **investigation falls exclusively within the province of the Investigating Agency**, and the High Court cannot pre-emptively interfere unless the proceedings are *ex facie* without jurisdiction, mala fide, or amount to an abuse of process. In **Muhammad Hanif v. State (2019 SCMR 2029)** and **FIA v. Syed Hamid Ali Shah (PLD 2023 SC 265)**, the Supreme Court has unequivocally held that the High Court cannot quash or interdict an investigation at the stage of enquiry. Likewise, this court in **C.P. No. D-508 of 2025 (Supra)** reiterates that:

“...the issuance of a call-up notice under Section 160 Cr.P.C. is an investigative step which neither infringes fundamental rights nor warrants interference unless exceptional circumstances are demonstrated.”

In the present case, no *mala fide*, jurisdictional defect, or violation of fundamental rights has been established. A mere summons to appear and explain one's version does not constitute harassment nor does it trigger the extraordinary constitutional jurisdiction of this Court.

8. The petitioner was acquitted in Crime No. 20 of 2023, but it is now firmly settled that acquittal in a predicate offence does not bar an AMLA enquiry, provided that the enquiry is founded on independent material relating to suspected money laundering or unlawful acquisition of assets. The law recognizes that money laundering is a distinct and autonomous offence, and the inquiry may proceed even if the predicate case concludes differently, provided the statutory requirements under AMLA are satisfied. Therefore, the plea of the petitioner that his acquittal extinguishes the authority of FIA to proceed under AMLA is legally untenable at this stage. However, it is for the Inquiry Officer to look into the plea of the petitioner whether granted to his point of agitation as raised.

9. Primarily, the impugned **enquiry** is not an off-shoot enquiry, but an **independent** and separate allegations falling within FIA's statutory jurisdiction under the Anti-Money Laundering Act, 2010. The issuance of the Call-Up Notice dated 11.06.2025 is a lawful exercise of power under Section 160 Cr.P.C. and AMLA and presents no exceptional circumstances warranting judicial interference at the premature stage. Consistent with the ratio of C.P. No. D-508 of 2025, this Court must refrain from interrupting investigative inquiry processes at

their inception. Let the inquiry proceedings be concluded to its logical conclusion within thirty days in an honest manner.

10. Accordingly, the petition is premature and is liable to be **dismissed**. However, it is considered appropriate that the conduct of the Investigating Officer in such circumstances be maintained by the Director General, FIA, to ensure that the AMLA enquiry is limited to genuine financial offences and is not motivated by *mala fide* intent or personal/political vendetta. The D.G. FIA shall verify whether the enquiry is founded on independent and credible evidence of money laundering, rather than merely repeating allegations from the acquitted predicate offence. However, if the enquiry is to proceed, all procedural safeguards under AMLA and the Constitution must be strictly observed, including clear articulation of allegations, access to records, and opportunity for the petitioner to respond. Where credible financial evidence exists, the AMLA enquiry may lawfully continue despite an acquittal in the predicate FIR. The above exercise shall be concluded within three months. The petitioner shall fully cooperate with the enquiry proceedings, but shall not be detained during the intervening period. The petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar Hussain/PS*