ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D – 4583 of 2026
(Zareen Fatima versus Province of Sindh and others)

Date	Order with signature of Judge

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 09.10.2026

Mr. Abdul Naeem Qureshi, Advocate for the Petitioner.
Mr. Ali Safdar Depar, AAG.
ASI Mumtaz Ali of P.S. New Karachi Industrial Area, Karachi.
Inspector Ali Muhammad Mangrio of Special Investigation Unit/CIA, Karachi.
Inspector Waheed Iqbal, Office of DIG (CIA), Karachi.

ORDER

Adnan-ul-Karim Memon, J. Petitioner Zareen Fatima has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief:

> "*(a) To declare the act of Respondent No.8 is unlawful, contrary to law, as he did not register any FIR against the culprits who were harassing the respectable pardanasheen ladies as well as minors in the park of Block-14, F.B. Ares, Karachi, despite the culprits being handed over to him were released after taking a huge bribe.*
>
> *(b) To declare the act of the respondent No.9 is unlawful. unethical, whereby he has failed to disclose the entry of Police Station or Respondent No.11 for arresting the husband of the petitioner and due to such unlawful act, the petitioner remained under stress and mental torture.*
>
> *(c) To declare that the act of Respondent No.12 under the supervision of Respondent No.11 & Respondent No.1 to 7 is contrary to law, as they have not been permitted by law to arrest any person at midnight without any cogent evidence against the person as well as a respectable Senior Citizen of Pakistan who bears dignity as described in the Constitution of Pakistan, without any warrant.*
>
> *(d) To declare that the respondent No.11 & 12 are not performing their duties according to law and acted beyond the prescribed procedure of law which is described in the Criminal Procedure Code 1908 & Police Rules 1934 as they have not taken any measures for the interrogation of innocent persons and both acted contrary to law and concealed the material facts and incident of 22-06-2026 only to save the respondent No. 13.*
>
> *(e) To direct the respondent No.1 to 4 to delegate such powers of investigation of Crime No.209/2026, registered at P.S. Joharabad to any other respectable and honest Police Officer not below the rank of S.P. or also constitute a joint investigation team which may be held by the officers of any other department to conduct a fair investigation of the above-said crime and also direct the*

Respondent No.11 & 12 to not arrest any person till the finalization of Investigation.

(f) To direct the respondents No.1 to 7, being heads of police department, to act in accordance with law and also direct the respondent No.8 to register proper FIR against all delinquent persons who are involved in the kidnapping & harassment of families at park of Block 14 F.B Area Karachi in the incident dated 22-06-2026."

2. The learned counsel for the petitioner contended that the petitioner's father and other family members, residing in Canada, owned various properties in Karachi, which were previously managed by her paternal uncle, Khursheed Ahmed, who died on 31.10.2021. Thereafter, disputes arose between the petitioner's family and the legal heirs of the deceased, resulting in various civil and criminal proceedings. The petitioner, being the constituted attorney of her family members, initiated ejectment proceedings against tenants and obtained possession of certain properties through court executions. She alleged that respondents No.13 and 14, supporting the legal heirs of the deceased, had illegally occupied rooms on the first floor of property bearing No. WSA-18, Block-14, Federal B-Area, Karachi, and were involved in harassment and unlawful activities in the locality. The petitioner's counsel further alleged that on 22.06.2026, certain persons associated with respondent No.13 harassed women and children in a public park in Block-14 and were apprehended by local residents and handed over to the Joharabad Police Station, but no proper action was taken against them. Subsequently, on 05.07.2026, respondents No.11 to 13, along with 20-22 private persons, forcibly entered her house at about 4:30 a.m., abducted her husband, Malik Muhammad Farooq, and took him to Police Station Taimoria, where he remained unlawfully detained for approximately 20 hours before being released. She alleged that the police officials acted without lawful authority, concealed material facts, and registered FIR No.209/2026 under sections 452, 365, 395, 506-B and 337-A(i), PPC, at the behest of respondent No.13, owing to the ongoing property dispute. The petitioner's counsel maintained that the conduct of the police officials was unlawful, mala fide and contrary to the Constitution, the Code of Criminal Procedure, 1898, and the Police Rules, 1934. She, therefore, sought declarations against the alleged illegal acts and omissions of the concerned police officials, transfer of investigation of Crime No.209/2026 to an independent officer not below the rank of SP or constitution of a joint investigation team, restraint against further unlawful arrests, registration of an appropriate FIR concerning the harassment and abduction, departmental action against the delinquent officials.

3. The learned Assistant Advocate General (AAG) submitting that the allegations of illegal detention, abduction, police misconduct and mala fide registration of FIR No.209/2026 are disputed questions of fact, which cannot be conclusively determined in constitutional jurisdiction without proper investigation

and supporting evidence. He contend that the registration of the FIR and the subsequent investigation and challan of the subject crime are matters governed by the Code of Criminal Procedure, 1898, and that the petitioner has not produced sufficient material to establish any illegality, mala fide intention or collusion on the part of the police officials. He further submit that the petitioner cannot seek a blanket restraint against the arrest of any person during investigation, as the investigating agency has already submitted challan of the case which is required to proceed by the learned trial court in accordance with law and the available evidence. He emphasized that the allegations concerning the incident dated 22.06.2026 and the alleged involvement of private respondents also require verification by the competent authorities. He therefore, request that the petition be dismissed for want of sufficient grounds, with liberty to the petitioner to approach the competent court/forum for redressal of her grievances in accordance with law.

4. We have heard the learned counsel for the petitioner and the learned Assistant Advocate General and have examined the material placed on record.

5. The principal grievance of the petitioner concerns the alleged harassment of women and children on 22.06.2026, the purported illegal entry into her house and detention of her husband on 05.07.2026, and the alleged mala fide registration and investigation of Crime No.209/2026, registered at Police Station Joharabad. Although the allegations, if established, may warrant appropriate legal and departmental action, the same are disputed questions of fact requiring investigation and appreciation of evidence, which cannot be conclusively determined in the constitutional jurisdiction of this Court merely on the basis of the assertions made in the petition.

6. It is settled that the registration of an FIR does not, by itself, establish the guilt or innocence of any person, and the legality of the subsequent investigation must be examined in accordance with the Code of Criminal Procedure, 1898. Under Sections 154 and 156 Cr.P.C., information disclosing the commission of a cognizable offence is to be dealt with in accordance with law, while Section 157 Cr.P.C. governs the procedure for investigation. Where the grievance concerns an unfair, improper or biased investigation, the competent authority may be approached for appropriate corrective measures. This Court may intervene where a patent illegality, abuse of authority or violation of a legal right is established; however, such intervention cannot be founded upon unsubstantiated allegations alone.

7. As regards the alleged abduction and illegal detention of the petitioner's husband, the allegations are serious but require verification through the relevant police record, station diary, arrest and detention records, statements of witnesses

and other admissible evidence. If a person is arrested, the requirements of Sections 60 and 61 Cr.P.C., read with Article 10 of the Constitution, must be observed, subject to the applicable law. No person may be detained beyond the period permitted by law without the requisite authority of a competent Magistrate. Nevertheless, in the absence of sufficient material establishing the alleged unlawful detention or the complicity of the nominated police officials, no conclusive declaration of misconduct can appropriately be made in these proceedings.

8. The petitioner's request for transfer of the investigation of Crime No.209/2026 to an officer not below the rank of Superintendent of Police, or for constitution of a joint investigation team, also requires consideration by the concerned Magistrate after submission of challan in the light of the facts and circumstances of the case in terrorism cases. A mere allegation of mala fides, arising from an existing property dispute, is insufficient by itself to establish that the investigation is tainted with malice. At the same time, the investigating agency is under a legal obligation to conduct an impartial investigation, consider the available evidence objectively and avoid acting at the instance of any private individual. If credible material demonstrating bias, abuse of authority or a failure to investigate material evidence is brought before the competent authority/Court, appropriate corrective action may be taken in accordance with law, and further investigation of the case can be entertained by the Court or competent authority after submission of challan.

9. The further prayer seeking a blanket direction restraining the police from arresting any person until completion of the investigation cannot be granted at this stage. The power of arrest must be exercised strictly in accordance with the applicable provisions of the Cr.P.C., including Sections 54 and 61, and the constitutional safeguards governing arrest and detention. A general prohibition against arrest would improperly impede the lawful investigation of a cognizable offence and cannot be issued without examining the circumstances relating to each proposed arrest. Equally, no person may be arrested merely to settle a private dispute or to exert pressure upon a rival party. The IGP or Additional IGP Karachi shall ensure conduct of Investigating Officers must be fair enough to avoid any biasness in the criminal cases.

10. So far as the alleged incident dated 22.06.2026 is concerned, if the information furnished by the petitioner discloses the commission of a cognizable offence, the same must be dealt with in accordance with Section 154 Cr.P.C. and the principles laid down in Sughran Bibi v. The State (PLD 2018 SC 595), subject to the nature of the allegations and the applicable law or if the subject case has seen checkered the competent Court can deal with said issue. The petitioner may approach the concerned police authorities/Magistrate with the relevant material

and, in the event of failure to act in accordance with law, seek the appropriate remedy before the competent forum/Court, including proceedings under Sections 22-A and 22-B Cr.P.C., where the statutory requirements are satisfied. The availability of such remedies, however, does not absolve the police of their obligation to discharge their statutory duties lawfully.

11. In view of the foregoing, we are of the considered opinion that the petitioner has not placed sufficient material before this Court to justify the declarations sought against the nominated police officials or to establish, at this stage, that the investigation of Crime No.209/2026 is vitiated by mala fides or illegality warranting interference under Article 199 of the Constitution. However, the Additional IGP Karachi shall look into the matter at his end, and if the allegations are found correct appropriate action shall be suggested. The petition, therefore, does not merit the grant of the reliefs claimed and is disposed of, along with the pending applications, if any, without prejudice to the petitioner's right to avail the remedies available under the Cr.P.C. and other applicable laws as discussed supra.

JUDGE

JUDGE

Nadeem Qureshi *PA*