

ORDER SHEET

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

**Constitution Petition No. S-173 of 2026
Kifayat Ali v. Government of Sindh & others.**

Date	Orders with signature of Judge
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1. For orders on office objections 'A'.
2. For hearing of main case.

15-06-2026.

Mr. Muhammad Akram N. Menik, Advocate for petitioner.

Mr. Ayaz Ahmed Faras, Advocate for Respondent No. 6

Mr. Abdul Waris Bhutto, Assistant Advocate General.

Ali Haider 'Ada' J:- The petitioner seeks protection of his life, liberty and property, alleging that the official respondents, at the behest of private respondent No.6, are subjecting him to harassment and unlawful interference. In support of his claim, the petitioner has placed on record the order dated 21.04.2026 passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Kashmore, in an application filed under Sections 22-A and 22-B Cr.P.C., whereby his request for protection and restraint against alleged police excesses was declined.

2. Learned counsel for the petitioner contends that every citizen is entitled to protection of life, liberty and property in accordance with law, and no person can be exposed to arbitrary or high-handed actions at the hands of public functionaries. He submits that despite approaching the competent forum of the Ex-Officio Justice of Peace, which was specifically vested with jurisdiction to address

grievances relating to police excesses and non-performance of official duties, the petitioner was denied relief without proper examination of the controversy. According to the learned counsel, the impugned order does not reflect a judicious exercise of jurisdiction and has failed justice.

3. Conversely, learned counsel for private respondent No.6 has denied the allegations levelled against Respondent No.6. Learned counsel for respondent No.6, while placing reliance upon the documents annexed with the statement, submits that an earlier application filed by the present petitioner seeking registration of an FIR against the same respondent had already been dismissed by the competent forum.

4. Learned Assistant Advocate General Sindh, on instructions and through statements submitted by the concerned police officials, has also denied the allegations of harassment. It is, however, acknowledged that if any citizen apprehends danger to his life or property, such grievance is to be dealt with in accordance with law. It is further stated that an FIR lodged by the mother of respondent No.6 is pending against the petitioner and that any action against him shall be taken only in accordance with the law.

5. I have considered the submissions advanced by the learned counsel for the parties and have perused the available record.

6. A perusal of the impugned order reveals that the learned Ex-Officio Justice of Peace primarily proceeded on the premise that a land dispute was pending between the parties and that an FIR had already been registered against the petitioner; therefore, no case of illegal harassment or entitlement to protection was made out. However, such

reasoning does not adequately address the principal grievance raised by the petitioner. The application filed before the Justice of Peace specifically alleged misuse of authority, undue favour being extended to the rival party, and apprehension of harassment at the hands of police officials. The petitioner had sought protection of his life and liberty and requested intervention against any excesses by the police machinery.

7. The office of the Ex-Officio Justice of Peace is not merely formal in nature. Sections 22-A and 22-B Cr.P.C. confer supervisory jurisdiction upon the Justice of Peace to ensure that police authorities perform their functions strictly in accordance with law and do not exceed the limits of their lawful authority. In particular, Section 22-A(6)(iii), Cr.P.C. empowers the Justice of Peace to issue appropriate directions where complaints regarding police excesses, abuse of authority, or non-performance of duties are brought before the forum. The exercise of such jurisdiction must be judicial and objective, founded upon the facts presented and the applicable law, and not in a mechanical or cursory manner.

8. It is by now a settled principle that the existence of a civil dispute or even the pendency of a criminal case against a person does not deprive him of the protection guaranteed by law. Every citizen, irrespective of the nature of litigation pending against him, remains entitled to the safeguards flowing from Articles 4, 9 and 14 of the Constitution of the Islamic Republic of Pakistan, 1973. The right to be treated in accordance with law, the right to life and liberty, and the right to dignity are fundamental rights which cannot be denied except through due process of law.

9. This Court also observes that on an earlier occasion the petitioner was relegated to the competent forum of the Ex-Officio Justice of Peace for redressal of his grievance. Once such a course was adopted, it was incumbent upon the said forum to meaningfully examine the petitioner's apprehensions and pass a reasoned order reflecting proper application of mind. The impugned order, however, does not disclose any substantial consideration of the petitioner's request for protection, nor does it assign convincing reasons for declining such relief. The order, therefore, cannot be sustained.

10. Needless to observe, providing protection to a citizen does not amount to granting immunity from lawful investigation or criminal proceedings. If any criminal case is pending against the petitioner, the police authorities shall be at liberty to proceed strictly in accordance with law. At the same time, they are under a corresponding obligation to ensure that no unnecessary harassment, intimidation, coercion or excess is committed against the petitioner under the guise of official authority.

11. For the foregoing reasons, the impugned order dated 21.04.2026 passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Kashmore, in Criminal Miscellaneous Application No.534/2026 is set aside. Respondent No.2, being the head of the district police administration, is directed to ensure that the petitioner is afforded protection whenever reasonably required and that respondents No.3 to 5 perform their functions strictly within the parameters of law. Appropriate directions shall be issued to the subordinate police officials to refrain from committing any excess, harassment or unlawful interference against the petitioner. However, if any criminal case is pending against him, the same shall be dealt with

strictly in accordance with law and without extending any undue favour to either side. With these observations and directions, the instant constitutional petition stands disposed of.

JUDGE