

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P. No.S-830, 1412, 1434 & 1504 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

31.10.2016.

Mrs. Razia Ali Zaman Khan, Advocate for petitioners in C.P. No.S-1504/2016 and for private respondents No.6, 7 & 12 in C.P. No.S-830 of 2016, for private respondent No.8 in C.P. No.S-1412 of 2016 and for private respondents No.1 to 4 in C.P. No.S-1434 of 2016.

Mr. Allah Bachayo Soomro, Additional A.G alongwith SIP Javed Akhtar o/b of DIG Hyderabad in C.P. No.S-1504/2016, SIP Manzoor Ali o/b of SSP Hyderabad in all C.Ps, ASI Nazir o/b of SHO P.S City Hyderabad, SIP Maqsood Shah o/b SHO P.S Cantt in C.P. No.S-1412/2016, SIP M. Saleem Arain of P.S A-Section Latifabad, Hyderabad in C.P Nos.830 & 1434/2016 and ASI Abdul Ghaffar of P.S Fort in C.P. Nos.S-1412 & 1434 of 2016.

=

Mr. Muhammad Qasim Daudpota, Advocate files Vakalatnama on behalf of the petitioner in C.P. No.S-1434 of 2016 and for respondents No.5 & 6 in C.P. No.S-1504 of 2016, which is taken on record. Learned Additional A.G files comments on behalf of official respondents in C.P. No.S-1412 & 1504 of 2016, which are also taken on record.

All these connected petitions can be disposed of by the following common order:-

The main grievance of the petitioner Mst. Fahmida in C.P. No.830 of 2016 is that there is some dispute between her and her step sons namely, Muhammad Shahid, Abdul Majeed, Abdul Hameed and Mumtaz. Earlier an application was sent to the Hon'ble Chief Justice, High Court of Sindh at Karachi, which was converted into a petition and numbered as C.P. No.1434/2016, and is one of the connected petitions. It is stated that afore-named persons have not only caused continuous harassment to the petitioner lady and her son Faizan, but also had attempted to trespass on to her property (house). Her other grievance is that despite addressing letters to police

officials, who are impleaded as respondents in C.P. No.830 of 2016, the said official respondents have not taken any action in accordance with law and rather their inaction have helped out the private respondents, who are office bearers of Shahi Sarrafa Bazaar Union, Hyderabad. The learned Additional A.G Sindh has filed parawise comments in connected matters today and the comments already available on record has mentioned in detail the background of the dispute between the parties named above and the parties impleaded as private respondents.

Today, the official respondents of different police stations are in attendance and state that they will take adequate measures in order to safeguard the life and liberty of lady petitioner (Mst. Fahmida). At this juncture, Mrs. Razia Ali Zaman Khan, the learned Counsel appearing for the private respondents, categorically refutes the allegations leveled by the petitioner against private respondents and argued that between above named step sons and petitioner lady already a civil litigation is sub judice. Similarly, another petition bearing C.P. No.S-1412 of 2016 has been filed by petitioner Abdul Ghaffar, in which the respondents are common on the ground that he (Petitioner) and his brother Muhammad Saleem in the past had some business dealing with above named step sons of the lady petitioner and in this connection certain cheques were issued to Muhammad Saleem, which were subsequently dishonoured and in this regard a civil ligation as well as criminal cases are also pending before the concerned Courts.

Be that as it may, pendency of litigation or if a party pursuing his remedy before any competent forum does not mean that he or she should be harassed by the opponents. In recent past this is a disturbing trend that where litigation is pending in different Courts of law, the parties take law in their hands and instead of pursuing the remedy they resort to illegal activities, which further complicate the matter and results in multiplicity of cases. The police

officials are also present in the above mentioned constitutional petitions and they all state that they are discharging their duties fairly, justly and reasonably. If this is so, then the petitioner's disputes would not have resulted in proceedings of the nature, where a citizen invokes the constitutional jurisdiction, merely to protect his/her life and liberty, which even otherwise is the bounden duty of respondents/police officials.

All the parties are directed not to cause harassment to the petitioner lady in C.P. No.S-830 & 1434 of 2016 and should diligently pursue their legal remedies in cases already pending adjudication in different Courts. It is further directed that police officials should also conduct themselves strictly in accordance with law and if someone, especially the lady petitioner approaches them for some protection, the same should be provided, but in accordance with law. It is expected that police officials shall not act in a way, which could prejudice the pending litigation of any of the parties but will fulfill their duties towards citizens as they are required to do under the mandate of law. It is further directed that Union of Shahi Sarrafa Bazaar, Hyderabad should not cause harassment to the petitioners and desist from acting in violation of its mandate and objectives.

JUDGE

Shahid