

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D-4105 OF 2015

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Abdul Maalik Gaddi.

Mst. Ameer Zadi.....Petitioner

V E R S U S

Province of Sindh, & others.....Respondents

Date of hearing 28.02.2017

Mr. Abdul Lateef Leghari advocate for the petitioner.

Mr. Altaf Ahmed Shaikh advocate for the respondent No.11.

Mr. Sibtain Mehmood, A.A.G.

D.S.P. Bashir Ahmed Khoro, S.D.P.O., Thari Mirwah, District
Khairpur Mirs’.

SIP Abdul Malik Abro, SHO of P.S Thari Mirwah, District
Khairpur Mirs’.

Muhammad Ali Leghari, son of the petitioner.

Abdul Rasool, respondent No.11 is also present.

Muhammad Ali Mazhar, J: The petitioner has approached this court for seeking directions against the police officials to provide protection to the petitioner and her family. She has also sought directions against the private respondents not to cause any harassment. Some allegations were also leveled against the Respondent No.9 who is a judicial officer posted in District Dadu. In pursuance of last order dated 21.02.2017, the respondent No.9, has filed the comments in which he has denied all the allegations.

2. The learned counsel for the petitioner argued that during pendency of this petition, son of the petitioner has lodged FIR No. 71 of 2017 on 19.02.2017 at P.S. Thari Mirwah, District Khairpur Mirs'. D.S.P. Bashir Ahmed Khoro, S.D.P.O. Thari Mirwah, district Khairpur Mirs' present in court informed us that S.I.P. Abdul Ghafoor is I.O of this case. The learned counsel for the petitioner also submitted a copy of provisional Medico Legal Certificate of Muhammad Ali son of the petitioner which is showing 17 injuries. To a question raised by this court to the S.D.P.O. when the final challan will be submitted? He undertakes that Final Medico Legal Certificate will be obtained from the hospital and charge sheet will be submitted in concerned court within 10 days without fail. He further submits that some of the accused persons are on interim bail. So far as investigation is concerned, the I.O is bound to investigate the matter impartially and submit the charge sheet in accordance with law notwithstanding that some of the accused are on bail. The police officials present also undertake that they will continue to provide the protection to the petitioner and her family in accordance with law and also protect them from harassment by the private respondents. At this juncture, the learned counsel for the respondent No.11 refuted the allegations against his client. He further argued that no harassment was caused by the respondent No.11 to the petitioner or her family members. It was further contended that the land in question is owned by respondent No.11 which argument was seriously opposed by the learned counsel for the petitioner.

3. In the present petition, the petitioner has approached for protection and to restrain the private respondents from causing any harassment to them. The question of title if any cannot be decided by this court in the writ jurisdiction and proper course is available to the petitioner and the private respondent to invoke the jurisdiction of competent civil court for resolving the dispute of title over the land in question.

4. Keeping in mind the bone of contention, this petition is disposed of along with pending applications in the following terms:-

- I. After completing all requisite formalities, the concerned I.O shall submit the charge sheet in Crime No. 41 of 2017 within ten (10) days in the court. The I.O. of FIR No. 41 of 2017 is directed to complete the investigation honestly, impartially and fairly. The DSP shall monitor the investigation and will also ensure that charge sheet is submitted within time.
- II. So far as the issue of land which is more particularly described by the petitioner in paragraph 7 of the petition situated at Deh Jalbani, Taluka Mirwah, district Khairpur Mirs' is concerned, the petitioner and the private respondents including the respondent No.11 may initiate appropriate legal proceedings in the civil court for deciding the dispute of title. However the police officials and Respondent No.9 shall not interfere nor exert any influence or pressure.
- III. Since the petitioner has raised some allegations of harassment, the D.S.P. Bashir Ahmed Khorro, S.D.P.O Thari Mirwah and S.I.P. Abdul Malik Abro, S.H.O. P.S. Thari Mirwah, district Khairpur Mirs' present in court are directed to provide protection to the petitioner and her family in accordance with the law and they will also ensure that no harassment shall be caused to them. The private respondents including respondent No.11 Abdul Rasool will also act strictly in accordance with law.
- IV. The D.S.P. and S.H.O. both categorically stated in presence of learned A.A,G that petitioner and her son Muhammad Ali Leghari are not wanted in any case and

they do not want to arrest them. This statement is taken on record as undertaking of both the police officials.

- V. The respondent No.2 shall also ensure to issue Final Medico-legal certificate of the injured grandson of the petitioner if any pending and which has been pointed out in the petition. The DSP shall also ensure the issuance of Medico-legal certificate of petitioner's grandson and take the action in accordance with law.
- VI. The copy of this order may be transmitted to DIG Sukkur and S.S.P District Khairpur so that they shall ensure the compliance of this order and both will also ensure that proper protection is provided and no harassment is caused to the petitioner and her family members. A copy of the order may also be transmitted to the learned A.A.G.

JUDGE

JUDGE