

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

C.P. No. 3- 309 of 2021

Ali Asghar ----- Petitioner

VERSUS

Province of Sindh & others ----- Respondents

Date of hearing: 22.08.2022

Date of decision: 22.08.2022

None present for Petitioner
Mr. Allah Bachayo Soomro, Addl.A.G.

ORDER

ADNAN-UL-KARIM MEMON, J.- Through instant petition, the petitioner has prayed as under:-

- a. Direct the respondents 7 to 9 to stop causing undue and unjustified harassment to the petitioner and his family members.
- b. Direct the respondent No. 2 to 6 to provide legal protection to the petitioner, so that he can live peacefully and ensure that they will not create any hindrance for the petitioner.
- c. Direct respondents No. 2 to 6 to take action against the illegal activities of the respondent No. 7 to 9 and others who are supporting the accused persons.
- d. Direct the respondents No. 2 to 6 not to register any false and fabricated FIR against the petitioner without prior permission of this Honourable Court.

2. Petitioner is called absent without intimation, in such state of affairs, I have heard learned AAG on the subject issue. Primarily the case of the petitioner is that respondents 7 to 9 are notorious persons and blackmailers; that respondent No.9 has lodged several FIRs against the petitioner in which he is facing trial; that subsequently respondent No.9 also applied Section 491 Cr.P.C. before 4th Additional Sessions Judge, Shaheed Benazirabad by leveling false allegations, the same was dismissed on 18.12.2020; that petitioner also filed an application under Section 22-A & B Cr.P.C. whereby the petitioner was granted necessary protection vide order dated 22.3.2021; that earlier petitioner also filed CP No. 616 of 2020 before this court wherein comprehensive report was submitted by the police; that now the respondents have also registered false FIR and they further with the help of official respondents will implicate

the petitioner in more false cases; therefore they have filed the instant petition with the above prayer.

3. Primarily, the dispute has been alleged between private parties concerning certain allegations about the breach of legal or moral duties; and in this background, it has been alleged that the private party at fault is harassing the petitioner with the help of police officials and instead of taking action against the wrongdoers, the police is supporting them and he apprehends false implication in criminal cases against the petitioner.

4. Petitioner also alleges harassment against police officials. learned AAG has submitted that police shall ensure that no harassment is caused to the petitioner.

5. Dealing with the allegations of criminal activities, it is observed that when a cognizable offense is reported by a person, the S.H.O. of the concerned police station is bound to register F.I.R. under the mandatory provisions of section 154, Cr. P.C. It has been held on several occasions by the Honourable Supreme Court as well as by this court that it is the statutory duty of the police to act under the law and provide legal protection to all the law-abiding citizens of the concerned Area.

6. In view of the above and with the consent of learned AAG, this petition is disposed of on the understanding of learned AAG that the police officers shall be neutral if there arises any dispute between the private parties and they shall act under the law.

JUDGE

Karar_hussain/PS*