

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

C.P. No. 5- 72 of 2022

Naroo Thakur v. Province of Sindh and others

C.P. No. 5- 85 of 2022

Abdul Wahid v. DIG Hyderabad and others

C.P. No. 5- 86 of 2022

Abdul Aziz v. DIG Hyderabad and others

M/s. Kirshan Kumar Bheel, Advocate for Petitioner(s)

Mr. Allah Bachayo Soomro, Addl.A.G. along with SIP Muhammad Yaqoob PS
Tando Ghulam Hyder

Date of hearing
and decision : **29.08.2022**

ORDER

ADNAN-UL-KARIM MEMON, J. In the aforesaid cases, common question of law is involved; therefore, the same are being taken up together and disposed of.

2. Through listed petitions, the petitioners have prayed for directions like mandamus directing the official as well as private respondents not to interfere in their peaceful life. The petitioners claim that they are being threatened and harassed by the police officials, in some of the cases, at the behest of private respondents on account of various reasons as disclosed in the memo of their respective petitions, i.e. lodging of false FIRs, interference in private business, and other ancillary matters.

3. I have heard learned counsel for some of the petitioners present in court as well as learned AAG on the subject issues.

4. Primarily, the dispute has been alleged between private parties concerning obligations arising out of contracts or breach of legal or moral duties including harassment at the hands of officials and other departments of the Government of Sindh including private parties as discussed in the preceding paragraphs; and in this background, it has been alleged that the private parties are at fault and harassing the petitioners either themselves and / or with the help of police; and /or other government officials, and instead of taking action against the wrongdoers, the police is supporting them.

5. I have noticed that some of the petitioners and their counsel are not in attendance; and, as per learned counsel present in court; due to alleged harassment caused by the respondents/ police officials who in connivance with the private respondents are causing harassment to them. Be that as it may, since they simply seek protection against the police officials, who are allegedly extending serious threats of life to the petitioners in some of the cases, at the behest of private respondents; in this regard, learned AAG has candidly agreed that no harassment shall be caused to the petitioners; because of such statement, the petitioners are being treated as aggrieved persons within the ambit of Article 199 of the Constitution of Islamic Republic of Pakistan. However, the other grievances of the petitioners could be taken care of in terms of the ratio of the judgment dated 30.05.2018 passed by the learned Division Bench of Sukkur Bench, Sukkur, in CP No.D-2149/2018 and subsequent order dated 12.12.2019 passed in CP No.D-259/2011 at Circuit Court, Hyderabad, as the same remedy is also available before the competent forum, which remedy needs to be not only availed but also exhausted.

6. Before parting with this order, so far as police action is concerned, in principle the Police are under a legal duty and have a legitimate right to lodge a case if a cognizable offense is committed within their jurisdiction; however, the arrest could only be made, if there is concrete evidence against the accused in terms of the recent amendment brought in the Police Act by the Provincial Sindh Assembly.

7. Since, learned Additional. A.G. has categorically stated that no harassment shall be caused to the petitioners in each case; and, the police officials shall act strictly under law. Learned counsel for the petitioners present in the Court seeks disposal of the aforesaid cases in terms of the statement of learned AAG. Prima facie, the statement of learned Addl. A.G is tenable and these petitions are liable to be disposed of in terms of the above consensus arrived between the parties; however, it is made clear that if there is any private dispute between the parties, the same shall be dealt with by the competent court of law / forum and this Court will not travel into that dispute and leave it for the competent forum to redress the same if approached by the aggrieved party under the law within a reasonable time. As far as other issues i.e. shelter to criminal elements are concerned, the Police have to see the matter and take prompt action under the law, if an aggrieved party approaches them and / or to provide legal protection to the innocent persons from criminal elements.

8. In view of the above, these petitions are disposed of with the understanding that the police officials shall be neutral if there arises any dispute between the private parties and shall act under the law and no harassment shall be caused to either party.

JUDGE

