

**IN THE HIGH COURT OF SINDH
BENCH AT SUKKUR**

Constt. Petition No. S- 121 of 2023

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For Hearing of main case.

20.11.2023

Mr. Nusrat Hussain Memon Advocate for petitioner.
Mr. Zulifqar Ali Naich, AAG

YOUSUF ALI SAYEED, J- The petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, arraying the Province of Sindh as the Respondent No.1 and certain functionaries of the provincial police department as the Respondents Nos.2 to 4, with it being prayed that those functionaries be directed to refrain from harassing or intimidating the Petitioner, and to provide legal protection. It has also been prayed that the Respondent No.4, being the SHO of Police Station, Kandiaro, be restrained from registering criminal cases against the petitioner and his family members, whereas the Respondent No.3, being the Deputy Superintendent of Police, be directed to produce the list of the cases already registered so as to enable them to approach the competent Court for relief.

In that regard, it merits consideration that a police functionary cannot be cannot be restrained from performance of his official duties, which include the registration of a criminal case in matters warranting such action. Ergo, the petition is not maintainable to that extent. Furthermore, the grievance of the Petitioner from the standpoint of protection has also been redressed in as much as the Petitioner had earlier filed Crl. Misc.Applciation No.800 of 2023 before the Justice of Peace, Kandiaro, where an order to that effect has already been made on 22.03.2023.

As to the information sought regarding pending cases, such statements have already been filed in the instant Petition on behalf of the concerned respondents reflecting that a catena of criminal cases stand registered against the Petitioner and his family members, with it being said that they are habitual criminals and that the Petition has been filed only to pressurize the police functionaries so as to impede them in the performance of their lawful duty.

In view of the foregoing, it is apparent under the given circumstances that no further proceedings are warranted in the matter. The petition stands dismissed accordingly.

J U D G E

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