

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Constitution Petition No.S-1140 of 2023**

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Date

Order with signature of Judge

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1. For order on office objection No.2 and reply at "A".
2. For hearing of case.

**22.11.2023**

Mr. Javed Akhter Rind, advocate for the petitioner.

Ms. Rubina Qadir, DPG.

Mr. Sharfdin Jamali, Add. A.G Sindh along with Inspector Abdul Sattar Magsi SHO Mubina, ASI Muhammad Ali and ASI Shahzad, HC Zameera Khatoon, Police Station Mubina.

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The grievance of the petitioner is that official respondents in connivance with private respondents are harassing them and interfering in their peaceful living, without lawful justification, hence he has filed the instant constitutional petition against the highhandedness of official respondents who are in league with private respondents trespassed into the house of the petitioner, detained the house mets and thereafter took them to the police station, humiliated and disgrace them at the behest of the private respondents.

Learned counsel for the petitioner has submitted that the main objectives of police are to apprehend offenders, investigate crimes, and prosecute them before the courts also to prevent the commission of the crime, and above all ensure law and order to protect citizens' life and property; that law enjoins the police to be scrupulously fair to the offender and the Magistracy is to ensure a fair investigation and fair trial for an offender. Unfortunately, these objectives have remained unfulfilled. Aberrations of police officers and police excesses in dealing with the law and order situation have been the subject of adverse comments from this Court as well as from other courts but they have failed to have any corrective effect on it; that police has the power to arrest a person even without obtaining a warrant of arrest from a court. Per learned counsel, the plenty of this power casts an obligation on the police and it must bear in mind, as held by this Court that if a person is arrested for a crime, his

constitutional and fundamental rights must not be violated. Learned counsel emphasized that the Police Officers are required to protect and not abduct. However, in the present case, they transgressed their power and authority and caused unnecessary harassment to the petitioner and his family members without rhyme and reason. He prayed for direction to DIGP East to take action against the police officials under the law.

Learned Addl. A.G. assisted by the police officials present in Court submits that no harassment shall be caused to the petitioner. His statement is tenable and this petition is liable to be disposed of in terms of the statement of learned AAG; As far as police harassment issues are concerned, the DIGP East has to see the matter at his end and take prompt disciplinary action under the law against the police officials who exceeded their power and authority and ensure that he will provide swift justice to the parties, without discrimination.

Both the parties have agreed to the disposal of the instant petition on the premise that the DIGP East concerned will hear the petitioner as well as police officials and take care of all the things and ensure due hearing of the parties after hearing them if he finds a cognizable offense committed by the police officials then directions may be issued to lodge FIR against the delinquent police officials without fail. In the meanwhile, no harassment shall be caused to the petitioner as well as the private parties. The DIGP East shall also ensure that during disciplinary proceedings the police officials shall not be given field postings.

The instant petition is disposed of in the above terms.

**J U D G E**