

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-1215 of 2023

Date

Order with signature of Judge

1. For orders on office objection at "A".
2. For hearing of main case.

21.11.2023

Mr. Ehsan Joyo associate of Mr. G.N. Qureshi,
advocate for the petitioner.

Mr. Sharfuddin Jamali, Addl. A.G Sindh along with
SI Muhammad Nawaz P.S Sachal.

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Through this petition, the petitioner simply seeks directions to restrain the official respondents from harassing him and his family members and to provide protection to them; on 15.11.2023 the police officials of Respondent No.6 illegally raided the house of the petitioner without any search warrant and illegally taken away the son of the petitioner namely Abdul Samad and other precious house articles thereafter the petitioner immediately reached the police station and asked about his son where the officials of respondent Nos. 5 and 6 were harassed the petitioner and also threatened him to involve in false and unknown cases.

This Court vide order dated 17.11.2023 issued notices to the respondents as well as APG and AAG with the following observation:-

“ Let notice be issued to the respondents as well as AAG and APG Sindh for 21.11.2023. In the meanwhile, SHO PS Sachal Karachi be in attendance to apprise as to why in an unknown crime, the petitioner is being harassed. ”

Though notice has been issued to the respondents today SI Muhammad Nawaz P.S Sachal is present and has filed an official report which is taken on record and submitted that there are so many cases lodged against the family of the petitioner.

The grievance of the petitioner is that official respondents in connivance with private respondents are harassing and interfering in her daily life pursuits, without lawful justification.

Admittedly, this is the case of harassment at the hands of police in connivance with private respondents. The meaning of the word "harass" has been explained as "Injure and injury"; these words have numerous and comprehensive popular meanings, as well as having a legal import. A line may be drawn between these words and the word "harass" excluding the latter from being comprehended within the word "injure" or "injury". The

synonyms of "harass" are: To weary, tire, perplex, distress tease, vex, molest, trouble, and disturb. They all have relation to mental annoyance." In the Oxford Dictionary of New Words, the meaning of the word "harassment" has been explained, which reads as "The subjection of a person to aggressive pressure or intimidation. "Harassment" should be interpreted as potentially producing some unreasonably adverse impact on the victim. The conduct should produce more than "worry", "trouble", "discomfort" or "unease" unless perhaps these are experienced to an extreme degree."

The main objectives of police is to apprehend offenders, investigate crimes, and prosecute them before the courts also to prevent the commission of crime, and above all ensure law and order to protect citizens' life and property.

The 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. The police has the power to arrest a person even without obtaining a warrant of arrest from a court. 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 A.A.G. 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; 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 police harassment issues are concerned, the SSP concerned has to see the matter and take prompt action under the law, if the petitioner approaches them against the excess of police officials. The Police Officers are required to protect and not abduct.

In view of the above, this petition is disposed of with the direction to the police to act under the law and no harassment shall be caused to the petitioner. However, if the petitioner or his family is indulged in cognizable offenses police shall act under law.

JUDGE