

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Const. Petition No. S- 419 of 2024  
(Muhammad Rafique v. SHO, PS Kamber City & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Direction

1. For orders on office objection 'A'
2. For orders on maintainability of main case.

Date of hearing & Order: 10.03.2025

None present for the petitioner.

Mr. Abdul Waris K. Bhutto, Assistant A.G for the State.

Mr. Ali Raza Pathan Advocate holding brief on behalf of Mr. Zeb Hussain Pathan, Advocate for Respondent No.5.

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**ORDER**

Adnan-ul-Karim Memon, J: Petitioner Muhammad Rafique Magsi has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 seeking directions to police not to harass the petitioner and his family members at the behest of private respondents.

2. Learned A.A.G. present in Court seeks disposal thereof with the narration that no harassment shall be caused to the petitioners by the police officials. The suggestion seems to be reasonable and acceded to.

3. This Court is of the tentative view that this is a harassment case, emphasizing that "harassment" encompasses a broad range of harmful actions. The court stressed the police department's responsibility, particularly the Senior Superintendent of Police (SSP), to address such issues. While the petitioner has a fundamental right to protection from both police and private harassment, this court clarified that the police retain full authority to act legally if either party commits a criminal offense.

4. The terms "harass," "injure," and "injury" carry wide-ranging meanings in both common usage and legal settings. While related, "harass" is uniquely focused on mental and emotional distress. Its synonyms – weary, perplex, distress, tease, vex, molest, trouble, and disturb – emphasize this aspect. "Harassment" encompasses torment and vexation, mirroring "torture," which includes mental



and psychological abuse. Cruel, inhuman, and degrading treatment, even in police custody, can inflict severe psychological pressure amounting to torture. However, it is crucial to remember that individuals must also abide by the law to ensure the protection of others, including their family members.

5. Article 4 of the Constitution guarantees everyone the right to be treated according to the law, which includes fairness and the elimination of any factors that obstruct legal processes. To uphold this right, this court directs the police to investigate the issue at their end.

6. Higher courts have consistently condemned police harassment. Pakistan, as an Islamic state, must uphold high ethical standards. The Constitution protects citizens' honor and dignity. This court stressed that the misconduct of one family member does not justify subjecting others to dishonor, disrespect, and harassment. Such police actions violate the law, legal ethics, and human rights. Violations of this fundamental right constitute harassment. All executive and judicial officials must operate within the bounds of the law. Article 4 of the Constitution safeguards the right to lawful treatment, which must be rigorously protected against any infringement.

7. This is a simple case of harassment and the police has to act strictly under the law, no harassment shall be caused to either party by the police authorities and if there is any dispute of a civil or criminal nature between the parties the same shall be taken care of by the competent court of law and the police shall not indulge in private affairs.

8. The petition stands disposed of in the above terms.