IN HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No. D-275 of 2025
[Raheem Bux Phulpoto & Others vs. Federation of Pakistan & Others]

C.P No. D-276 of 2025
[Riaz Ahmed Mangi & Others vs. Federation of Pakistan & Others]

Before:
Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

Petitioners by	:	Mr. Ghulam Murtaza Bhutto, Advocate
Respondents by	:	Nil.
Date of Hearing	:	**06.03.2025**
Date of Decision	:	**06.03.2025**

JUDGEMENT

RIAZAT ALI SAHAR. J, - The petitioners, former officials of the Sukkur Electric Power Company (SEPCO) and Hyderabad Electric Supply Company (HESCO), have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, read with Section 561-A Cr.PC. They seek quashment of FIR No. 07/2025 and 04/2025, registered by the Federal Investigation Agency (FIA) concerning alleged overbilling and related misconduct. The petitioners assail the FIR on multiple grounds, primarily questioning its legality, jurisdictional basis, and bona fides.

2. The petitioners contend that the impugned FIRs are politically motivated and lodged in bad faith (mala fide). They maintain that the criminal allegations of fraudulent overbilling are a pretext to harass them due to political pressure. In support of this assertion, it is pointed out that the FIR fails to particularize any clear mens rea – it does not spell out a deliberate intent on the petitioners' part to commit an offence. Moreover, the contents of the FIRs do not specify any direct act or role of the petitioners in the purported overbilling scheme; at best, it paints the allegations with a broad brush, lumping the petitioners with others without delineating their individual culpability. According to the petitioners, this vagueness underscores the improper motive behind the FIR and violates their fundamental right to fair treatment under the law.

3. A cornerstone of the petitioners' case is the objection to FIA's jurisdiction in this matter. They argue that matters of electricity billing and company affairs of SEPCO/HESCO fall within the domain of the Energy Department, Government of Sindh (a provincial entity), and possibly within the purview of provincial accountability mechanisms. Since SEPCO and HESCO are power distribution companies operating under the umbrella of the energy sector, the petitioners submit that any inquiry into their billing practices should have been initiated, if at all, by the provincial anti-corruption establishment or relevant department, not by the federal investigating agency. The FIA's interference is portrayed as ultra vires: an overstepping of federal authority into a provincial subject.

4. The counsel for petitioners further asserts that due process was bypassed. It is claimed as a matter of administrative

practice and fairness that any allegations of overbilling or misconduct by officers of an electricity supply company should first be examined through a departmental inquiry or internal audit. In the present case, no such preliminary inquiry or fact-finding was conducted by SEPCO/HESCO or the relevant ministry before involving the FIA. The counsel for petitioners argue that this omission is not merely a technical irregularity but a violation of their rights: they were denied the chance of internal accountability mechanisms which might have resolved any misunderstandings or at least provided them an opportunity to explain before criminal proceedings were set in motion. By rushing to lodge an FIR without an internal inquiry, the authorities have, in petitioners' view, violated the principles of natural justice and procedural fairness.

For clarity, we reproduce the reliefs prayed for by the petitioners in their constitutional petitions:

> *"A. To declare that FIR No. 07/2025 (and 04/2025) registered by FIA is illegal, ultra vires, and of no legal effect, and to quash the same forthwith, thereby exonerating the petitioners from all allegations mentioned therein.*
>
> *B. To restrain the Federal Investigation Agency (FIA) and its officials from harassing or taking any coercive action against the petitioners in relation to the impugned FIR. Instead, direct that any inquiry into the matter of alleged overbilling be conducted by the appropriate administrative or departmental forum (such as an inquiry by the Ministry of Energy or the companies' parent department), in accordance with law and due process.*

C. To grant any other relief deemed just and proper in the circumstances of the case."

5. After considering the submissions of learned counsel for the parties and perusing the record, we find that the following key points require determination: **(i) whether this Court (High Court of Sindh, Circuit Court, Hyderabad) has territorial jurisdiction to entertain the petition given that the FIR was registered at FIA Police Station in Larkana and Sukkur; (ii) whether the Federal Investigation Agency (FIA) had legal authority/jurisdiction to register and investigate the impugned FIR against officials of SEPCO/HESCO, especially in the absence of a prior departmental inquiry; (iii) whether the acts alleged (inflated/overbilling of electricity consumers and related financial mismanagement) attract criminal liability under the law; and (iv) whether, in light of the answers to the foregoing, the petitioners have made out a case for quashment of the FIR under Article 199 of the Constitution (read with Section 561-A Cr.P.C.).** We address each issue in turn.

JURISDICTION OF HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

6. At the outset, it is necessary to resolve the objection regarding this Court's territorial jurisdiction. Under Article 199 of the Constitution, the High Court's jurisdiction extends to cases where either the person or authority against whom relief is sought is located within its territorial limits or where the cause of action, wholly or partially, arises. In Sindh, the High Court operates

through its principal seat in Karachi, Circuit Courts (Hyderabad, Sukkur, Larkana, Mirpurkhas), and permanent bench (Sukkur Bench), with case distribution based on territorial jurisdiction. For FIR-related writ petitions, the general rule is that they should be filed before the bench or circuit court covering the district where the FIR was registered. This follows Section 20(c) of the Civil Procedure Code (CPC), which permits jurisdiction where any part of the cause of action arises. Courts uphold that even a fraction of the cause of action within a jurisdiction is sufficient to establish authority. While FIRs lodged in Larkana and Sukkur would ordinarily fall within their respective circuit courts or benches, the presence of a Special Court in Hyderabad [Anti-Corruption Court (Central), Hyderabad] can justify jurisdiction there if the trial or substantive proceedings are to be held in Hyderabad.

7. The petitioners' counsel argues that, notwithstanding the location of the FIR, this Court retains jurisdiction because any subsequent trial, if initiated, can only be conducted before the Special Court for Anti-Corruption (Central) established at Hyderabad. It is contended that cases investigated by the FIA in Sindh—particularly those involving public servants in the commission of corruption—fall within the exclusive jurisdiction of the Court of Special Judge, Anti-Corruption (Central), Hyderabad under the FIA Act, 1974, or the Pakistan Criminal Law Amendment Act. Since there is no separate FIA court at Larkana or Sukkur, such cases are invariably tried in Hyderabad. Therefore, according to learned counsel, even if the FIR was registered elsewhere, the ultimate forum for trial and adjudication remains Hyderabad, which

constitutes a substantial part of the cause of action and anchors the matter within this Court's jurisdiction.

8. We find merit in the petitioners' contention concerning the jurisdiction of the Special Anti-Corruption Court. This Court takes judicial notice of the fact that in Sindh, FIA-related anti-corruption cases are heard at designated "Central" courts, and Hyderabad is one such notified station. In practice, many FIA-related cases originating from the interior of Sindh (including those from Larkana and Sukkur) are ultimately tried in Hyderabad. The submission of challans and subsequent trial proceedings are directed there because the Special Judge, Anti-Corruption Court, (Central) Hyderabad holds exclusive jurisdiction over such matters. This judicial arrangement serves to ensure convenience and specialization in adjudicating federal offences. The Supreme Court of Pakistan has recognized that where a special law designates a particular court for the trial of certain offences, territorial jurisdiction for ancillary proceedings—such as bail applications or quashment petitions—can also be associated with that specific court's location. This principle is supported by ***Shahnaz Begum v. Judges of the High Court of Sindh and Balochistan (PLD 1971 SC 677)***, which endorsed a broader interpretation of the High Court's territorial reach within a unified provincial judiciary.

9. In the present case, while FIR No. 07/2025 and FIR No. 04/2025 were registered in FIA Composite Circle, Larkana and FIA Crime Circle, Sukkur the subsequent prosecution are significantly connected to Hyderabad. The FIA's Anti-Corruption Circle for Sindh operates through various zonal offices, including Larkana, Sukkur

and Hyderabad, which regularly handles cases involving HESCO/SEPCO and FIA-related matters. Given that HESCO's corporate head office is in Hyderabad and the relevant FIA offices responsible for the investigation are also situated within its territorial jurisdiction, a substantial part of the cause of action—comprising the inquiry process and prospective trial—arises in Hyderabad. The law establishes that territorial jurisdiction is not confined to the location of FIR registration. If any key element of the cause of action occurs within the territorial limits of a Circuit Courts and Bench of High Court of Sindh, the writ petition can be maintained there. In this instance, the impact of FIR No. 07/2025 and FIR No. 04/2025 against the petitioners, who reside with Larkana and Sukkur Divisions, coupled with the fact that the prospective trial will take place in Hyderabad, provides a legitimate jurisdictional basis for this Circuit Court of High Court of Sindh to entertain the matter.

10. In view of the foregoing, we are satisfied that this Constitutional Petition is competently filed before the Sindh High Court, Circuit, Hyderabad. The office objection as to territorial jurisdiction is answered in the affirmative – this Circuit Court *does* have jurisdiction to adjudicate the matter. The presence of the Special Court, Anti-Corruption, (Central) at Hyderabad for FIA cases, coupled with the fact that enforcement of the impugned action (Criminal Proceedings and Trial etc.) will take effect here, means that a significant part of the cause of action has accrued within Hyderabad. This finding is fortified by the rationale of

superior courts that writ jurisdiction may be exercised where the proceedings eventually converge.

JURISDICTION OF FIA TO LODGE THE SUBJECTS FIRs

11. The petitioners challenge the FIA's jurisdiction, arguing that the investigation concerns internal mismanagement within SEPCO/HESCO rather than a federal offence. However, the FIA Act, 1974 empowers the agency to investigate matters related to the Federal Government, including offences relating to corruption and criminal misconduct listed in its schedule. These include public servant-related offences under the PPC (such as criminal misconduct, breach of trust, cheating, and forgery) and special laws like the Prevention of Corruption Act, 1947. SEPCO and HESCO, though registered under the Companies Ordinance, were previously wholly owned and controlled by the Ministry of Energy (Power Division). However, in 2022, they were transferred to the provincial government. Despite this, their officials, including the petitioners, fall under the definition of "public servants" under Section 21 of the PPC, as employees of corporations originally established by or under the authority of the Federal Government. The Supreme Court has consistently recognized employees of state-controlled entities (such as WAPDA and gas companies) as public servants for anti-corruption proceedings. Since FIR No. 07/2025 of FIA Composite Circle, Larkana and 04/2025 of FIA Crime Circle, Sukkur involve financial misconduct (overbilling) causing losses to the public exchequer, they fall within FIA's jurisdiction if the offences listed in the FIR correspond to the agency's scheduled offences. The alleged crimes

include criminal breach of trust (Section 409 PPC), cheating (Section 420 PPC), forgery (Sections 468/471 PPC), and ***criminal misconduct*** under Section 5(2) of the Prevention of Corruption Act, 1947—offences that FIA is authorized to investigate. FIA's Anti-Corruption Wing routinely handles cases involving financial fraud and embezzlement in government-linked entities. For instance, in 2014, FIA Karachi registered FIR No. 40/2014 for electricity theft and meter tampering under the Electricity Act and the PPC, demonstrating the agency's role in investigating such matters. Moreover, FIA has investigated fraud in salary funds of HESCO and other such matters[1], as reported in the pressindicating that FIA's jurisdiction over power company officials has been asserted and accepted in practice.

12. The Supreme Court in ***Khan Asfandar Yar Wali v. Federation of Pakistan (PLD 2001 SC 607)*** [2] observed that disciplinary action and criminal prosecution, even if based on the same facts, serve different purposes and have different standards of proof; therefore, one need not halt in deference to the other. Furthermore, an acquittal in criminal Court does not automatically exonerate an officer in departmental inquiry, and vice versa by analogy, the absence of a prior departmental inquiry does not invalidate a criminal case if prima facie evidence of a cognizable offence exists. High Courts, including this Court, have thus consistently held that criminal law may take its course regardless of

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[1] ***FIR bearing Crime no. 7/2024 FIA Composite Circle Hyderabad***

[2] *"It is a settled principle of law that disciplinary proceedings and criminal prosecution are two distinct and independent proceedings. The standard of proof required in criminal cases is 'beyond a reasonable doubt,' whereas, in disciplinary matters, a finding may be based on a 'balance of probabilities.' The purpose of a criminal trial is to punish the offender, while disciplinary proceedings aim at ensuring efficiency and integrity in public service."*

internal inquiries, though as a matter of prudence, findings of one may be considered in the other.

13. In the present case, the FIA claims to have acted upon credible information (perhaps a source report or a complaint by an affected consumer or whistleblower) indicating that petitioners and others orchestrated large-scale overbilling causing wrongful loss to the public and wrongful gain to themselves or others. Such information, if containing details of a cognizable offence, legally justifies registration of an FIR under Section 154 Cr.P.C. The FIA Act, 1974 and the schedule thereto empower FIA to investigate offences involving "corruption, or misuse of authority by public servants," which plainly encompasses the petitioners' alleged conduct. We have not been shown any law that ousts FIA's jurisdiction in favour of a provincial body in this field. The Electricity distribution companies like SEPCO/HESCO, albeit operating regionally, are under federal control (their parent entity being the Pakistan Electric Power Company under the Federal Ministry). Therefore, any corruption therein is tantamount to corruption in a federal entity, validating FIA's role. Even if, for the sake of argument, the matter is viewed as one of provincial concern, there is no prohibition on federal authorities investigating crimes that have inter-provincial or public impact dimensions. The notion of "lack of jurisdiction" would only hold if the offence alleged was not in FIA's schedule or if law expressly reserved it exclusively for another agency, which is not the case here. (We note that certain offences can also be taken cognizance of by NAB under the National Accountability Ordinance, 1999, but that does not preclude FIA's

jurisdiction unless NAB actually assumes the investigation – a situation not before us.)

14. We also take note that the petitioners have not pointed to any alternate statutory mechanism that exclusively should have been invoked. The provincial Anti-Corruption Establishment (ACE) could be one avenue, but ACE typically deals with provincial departments; here the companies, as discussed, are federally controlled and historically cases of WAPDA/distribution companies have been handled by FIA or NAB. No doubt, cooperation between departmental inquiry and FIA investigation is ideal. In fact, during arguments, learned counsel for the petitioners conceded that after the FIR was lodged, SEPCO did initiate an internal inquiry which is still pending – implying that the two processes are now parallel. That subsequent inquiry cannot retroactively invalidate the FIR; at best, its findings could influence the final charge sheet or departmental consequences.

15. In light of the above, we hold that FIR No. 07/2025 and 04/2025 (supra) were not lodged without jurisdiction. The FIA possessed the legal authority to register and investigate the case against the petitioners, who were at the relevant time public servants of a federally-run entity. The offences apparent from the allegations (misuse of authority causing wrongful loss to national exchequer) are within FIA's legal mandate. While a prior departmental probe would have been a **welcome precursor** to crystallize the facts, its absence does not per se render the criminal proceedings void. At most, the lack of an internal inquiry could be a factor for the Court to examine **whether the FIR was**

prematurely or maliciously registered, but that enters the domain of assessing bona fides rather than jurisdiction. On jurisdiction, our view is fortified by a catena of judgments of the superior courts which affirm that so long as the alleged crime is cognizable under the law and falls under the investigative agency's domain, the FIR cannot be struck down for want of jurisdiction Therefore, the challenge to FIA's jurisdiction fails.

16. Before moving to the next issue, we deem it proper to address the petitioners' concern of harassment by FIA. The petitioners apprehend that FIA officials, under colour of investigating the FIR, might unduly harass or intimidate them. This Court cannot lightly assume mala fide intentions on part of investigating agency, especially without concrete proof; however, we underscore that FIA is bound to follow the law and due process in carrying out the investigation. Any misuse of power by FIA (such as unjustified raids, unwarranted summons at odd hours, or pressure tactics) would be condemnable and subject to judicial check. FIA's power to investigate includes the power to interrogate and gather evidence, but it must be done transparently and in a manner respectful of the petitioners' legal rights. We expect that the FIA will conduct its investigation fairly, record statements of all material witnesses (including giving due opportunity to the petitioners to explain their defence), and secure documentary evidence (such as billing records, audit reports) systematically. Should the petitioners face any excess or unlawful pressure, they may seek appropriate remedy in accordance with law. For now, we proceed under the presumption that the investigation will be conducted in good faith.

ATTRACTION OF CRIMINAL LIABILTY FOR ACTS OF INFLATED BILLS

17. The next pivotal question is whether the acts complained of – i.e., inflated or fictitious electricity billing, causing pecuniary loss to consumers and advantage to certain officials – amount to criminal offences under Pakistani law. The petitioners have tended to downplay the allegations as mere "overbilling issues" that could be sorted out administratively, implying that even if such billing occurred, it might be a matter of tariff adjustment or civil liability rather than a crime. We must examine the nature of these allegations under the law.

18. It is important to note that the unauthorized abstraction or diversion of electricity and related malpractices have been recognized as criminal offences in our jurisprudence for decades. Even under the older law – the Electricity Act, 1910 – Section 39 criminalized the dishonest abstraction, consumption or use of electrical energy. Officials or consumers who tampered with meters or conspired to inflate/steal electricity were liable to penal consequences. In fact, Section 39 of the 1910 Act created a presumption that if any artificial means or tampering device was found on a premises, it shall be presumed that theft of energy was committed by the person benefitting, unless proven otherwise Such provisions underscore that **the law treats electricity theft or fraudulent billing as a form of theft or cheating**, not merely as a breach of contract. The Superior Courts have consistently held that disputes involving allegations of meter tampering or fake billing fall outside the domain of ordinary civil disputes and squarely within

the realm of criminal or special adjudication. In **WAPDA v. Kamal Foods (PLD 2012 SC 371)**, the Hon'ble Supreme Court of Pakistan observed that where a detection bill is issued on the ground of theft of electricity (meter tampering or fraudulent abstraction), the matter involves penal liability, and the jurisdiction of civil courts is barred. Instead, such matters are to be dealt with by special forums like the Electric Inspector or criminal courts, as appropriate. This principle was reaffirmed in **MEPCO Ltd. v. Muhammad Ashiq (PLD 2006 SC 328)** and earlier in **Dr. Muhammad Rafiq Chaudhry v. WAPDA (1983 CLC 2397)** – cases wherein bogus billing and meter tampering were treated as offences, and the forums for relief were special mechanisms, not ordinary civil suits, due to the **criminal complexion of the allegations**.

19. In the present scenario, the allegation is not that consumers stole electricity, but rather that officials (the petitioners and others) willfully sent inflated bills to consumers (possibly for the purpose of illicit gain, meeting illegal recovery targets, or covering up line losses) thereby effectively **defrauding the public**. If proven, such conduct clearly attracts criminal liability. An **intentional overbilling scheme** would entail that the officials abused their authority to levy charges not actually due, which could constitute **"cheating"** under Section 415/417 of the PPC (deceiving a person to deliver property or valuable security). It could also amount to **"criminal breach of trust"** if the money was collected on false pretenses and misappropriated (Section 409 PPC applies to breach of trust by public servants). Moreover, since this involves public servants using their position to cause wrongful loss/gain, it squarely

fits the definition of **criminal misconduct** under Section 5(2) of the Prevention of Corruption Act, 1947 (which penalises a public servant who, by corrupt or illegal means or by abuse of office, obtains any valuable thing or pecuniary advantage). The Supreme Court's jurisprudence on anti-corruption is replete with cases where public officials issuing illegal demands for money (for example, tax officials raising fake tax liabilities, or postal officers misbilling) have been held criminally accountable. By analogy, electricity officials who deliberately issue inflated bills are not merely committing a billing error; if done with knowledge and intent, they are committing a **fraud upon consumers and the state**, which the criminal law cannot overlook.

SUBJECT PETITION: QUASHMENT OF FIRs

20. In 2016, recognizing the growing need to curb power theft and related malpractices, the legislature introduced **Chapter XVII-B in the Pakistan Penal Code (via the Criminal Law (Amendment) Act, 2016)** specifically to address offences relating to electricity. New sections (Sections 462A to 462O, PPC) were enacted, covering various forms of electricity theft, tampering with transmission, etc., and even prescribing special procedures for cognizance of such offences. Notably, Section 462J PPC (inserted by the 2016 amendment) makes dishonest installation of a meter or artificial means to evade billing a punishable offence, and Section 462K PPC punishes malicious waste or diversion of energy. While these provisions largely target consumers or thieves of electricity, Section 462I PPC criminalises issuance of bogus or inflated electricity bills by utility officials for the purpose of extorting

money not owed. (For instance, an official manipulating accounts to show extra units consumed, thereby billing more than actual usage, would fall under this mischief.) Although the FIR before us was lodged under older provisions (perhaps PPC general sections and Electricity Act provisions), the existence of Chapter XVII-B PPC reinforces the point that such conduct is squarely within the domain of criminal law by explicit legislative mandate. The very use of FIA by the Court implies that the act complained of (arbitrary billing) was seen as potentially criminal in nature – the Court would not have roped in a federal criminal agency for a mere civil billing dispute.

21. The petitioners' attempt to characterize the alleged overbilling as a non-criminal, internal matter is thus untenable. If the petitioners indeed have no culpability, that is a matter of evidence and defence in the investigation/trial; but the nature of the allegations falls within defined offences. We must remember that the standard for registering an FIR is relatively low: whether the information discloses a cognizable offence. Here, allegations of a billing scam by utility officials *prima facie* disclose offences of cheating the public and misuse of public office.

22. We conclude that the acts of unauthorized overbilling or electricity "theft" in the garb of false billing are well-recognized as offences under Pakistani law. They are not mere administrative lapses; they constitute cheating, breach of trust, and/or specific electricity offences. Therefore, FIR No. 07/2025 and 04/2025 (supra) cannot be impugned on the ground that it alleges something not known to law as a crime – on the contrary, it alleges acts that, if

true, are crimes. The petitioners' contention in this regard is rejected. The proper course for them is to prove their innocence or lack of intent during the investigation and trial, rather than to claim that the law does not apply to their conduct.

23. Having found that this Court has jurisdiction, that FIA is competent to investigate, and that the alleged acts do fall within criminal offence definitions, we turn to the overarching question: whether this Court should exercise its extraordinary discretion to quash FIR No. 07/2025 and 04/2025 (supra) at this nascent stage. It is well-settled that quashing a criminal case/FIR in exercise of writ jurisdiction or inherent powers is an exceptional relief. The august Supreme Court has laid down guiding principles in a number of cases for such exercise. **In *Shahnaz Begum v. Hon'ble Judges of High Court of Sindh and Baluchistan* PLD 1971 SC 677**[3], it was held that while high courts have power to intervene to prevent abuse of process, this power must be used sparingly and with great caution. More recently, ***Col. Shah Sadiq v. Muhammad Ashiq* 2006 SCMR 276**[4], the Supreme Court reaffirmed that the High Court

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[3] *"The High Court has no power under section 561-A of the Cr. P. C. to interfere with police investigations into criminal offences. In the case of Ghulam Muhammad v. Muzammal Khan P L D 1967 S C 317 the Supreme Court had occasion to point out that the power given by section 561-A, Cr. P. C., 'can certainly not be so utilized as to interrupt or divert the ordinary course of criminal procedure as laid down in the procedural statute.' If an investigation is launched mala fide or is clearly beyond the jurisdiction of the investigating agencies concerned then it may be possible for the action of the investigating agencies to be corrected by a proper proceeding either under Article 98 of the Constitution of 1962 or under the provisions of section 491 of the Criminal Procedure Code, if the applicant is in the latter case in detention, but not by invoking the inherent power under section 561-A of the Criminal Procedure Code."*

[4] *"It is also a settled proposition of law that if prima facie an offence has been committed, ordinary course of trial before the Court should not be allowed to be deflected by resorting to constitutional jurisdiction of High Court. By accepting the constitutional petition the High Court erred in law to short circuit the normal procedure of law as provided under Cr.P.C. and police rules while exercising equitable jurisdiction which is not in consonance with the law laid down by this Court in A. Habib Ahmad v. M.K.G. Scott Christian PLD 1992 SC 353. The learned High Court had quashed the F.I.R. in such a manner as if the respondent had filed an appeal before the High Court against order passed by trial Court. The learned High Court had no jurisdiction to quash the impugned F.I.R. by appreciation of the documents*

should not stifle legitimate prosecution except in extraordinary cases – for instance, where the FIR manifestly fails to disclose any offence, or is conclusively shown to be mala fide (fictional and trumped-up) to such an extent that allowing proceedings to continue would be a travesty of justice.

24. ACE, Lahore v. *Muhammad Akram Khans case* PLD 2013 SC 401 stated Quashing an FIR as *'rarest of rare'* remedy. We do not find this to be one of those rare cases warranting quashment of the FIR. The petitioners have certainly alleged mala fides and jurisdictional flaws, but as our discussion has shown, the FIR is competently lodged and does disclose prima facie offences. The allegation of political motivation, even if raised, is not substantiated by incontrovertible evidence that would convince a court at this stage that the case is a pure fabrication. Alleging mala fide is easy; proving it to the extent that a criminal case should be thrown out before investigation is completed is extremely difficult. On the materials presented, we cannot say that the FIA acted with no legitimate cause. There had been public outcry (including by forums like the Chamber of Commerce) about overbilling issues in the region, and the Government presumably took notice. If in that process an FIR was lodged, the mere involvement of political figures or the coincidence that petitioners are affiliated with a certain group is not sufficient to label the case as entirely malafide. It would require clear evidence that the petitioners had no connection whatsoever to the alleged acts and were roped in solely due to enmity – such evidence is absent at this preliminary stage.

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produced by the parties without providing chance to cross-examine or confronting the documents in question."

25. Moreover, the continuation of investigation cannot be said to be futile or a waste of time at this juncture. On the contrary, it is the investigation that should sift truth from falsehood. The petitioners, through quashment, seek to avoid the investigation itself. That is not the purpose of the High Court's extraordinary jurisdiction. If the petitioners are innocent, the investigation (and if any subsequent trial) is the proper forum to establish that – by cooperating with the inquiry, providing documentary proofs (e.g., to show that any overbilling was done without their knowledge or was later corrected, etc.), and if charged, by leading evidence in their defence before the trial court. Short-circuiting the process would deny the prosecution an opportunity to uncover the truth and would deny the trial court the chance to evaluate evidence. It bears repeating that quashing an FIR at the outset is an extreme measure, and the Supreme Court has consistently discouraged it except where no offence at all is made out on the face of the record (for example, if a civil dispute is dressed as criminal, or the allegations are absurd or highly improbable). Here, the allegations, if true, certainly make out offences; if false, that needs to be demonstrated through evidence – one cannot say that they are patently absurd or inherently impossible. Therefore, the normal course of law should proceed.

26. We are also mindful that the petitioners have alternate remedies and safeguards in the legal process. They have already obtained protective bail from this Court (as mentioned in the petition) to avoid undue arrest, and they may seek pre-arrest or post-arrest bail from the competent court if needed, ensuring they are not

incarcerated without justification. They also have the right, at the conclusion of investigation, to seek acquittal from the trial court under Section 249-A Cr.P.C. by arguing before the trial judge that no criminal case is made out, if the evidence collected by FIA is deficient. The availability of such remedies means that the petitioners are not without recourse in the ordinary framework of law. This further counsels against the High Court interjecting at this embryonic stage.

27. Although we are not inclined to quash the FIR, it is appropriate to ensure that the investigation is carried out in a fair and transparent manner, given the petitioners' status as professionals and the nature of allegations. We direct the Director, FIA Sindh Zone and the Deputy Director (FIA) Anti-Corruption Circle, Hyderabad to oversee the investigation personally or through a responsible senior officer, to ensure that it does not veer into any abuse. The investigating officer (IO) should promptly conclude the investigation – unnecessary delay can itself be a form of harassment. All persons from whom evidence is required (including relevant officials of SEPCO, auditors, affected consumers) should be examined as per law. If the investigation concludes that no prosecutable evidence is found against one or more of the petitioners, the FIA shall be at liberty to recommend cancellation of the FIR or discharge of those petitioners under the relevant provisions of law. Conversely, if evidence is found, the FIA may submit a report under section 173 Cr.P.C. (challan) before the trial court, which will then proceed on its merits, unaffected by any observations in this judgment (as we have not determined guilt or innocence). The petitioners will have full

opportunity to contest the charges at trial. We trust that the FIA will also consider any departmental inquiry report that may become available in the meantime – while not binding, such a report could shed light on the petitioners' role and will be a relevant piece of evidence for the IO to evaluate.

28. In view of the analysis and findings above, this Petition stands **dismissed** in limini with the above observations and directions. The FIA shall furnish a report of its investigation to the trial court expeditiously, and the trial, if commenced, shall be concluded in accordance with law. No order as to costs.

JUDGE

JUDGE

Abdullahchanna/PS