

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. S--188 of 2025
(*Shaikh Osama Rafi v Province of Sindh & others*)

Date

Order with signature of Judge

Date of hearing and Order: 07.04.2025

Mr. Ghulam Rasool Soho advocate for the Petitioner.

Mr. Shakeel Yousuf advocate/ respondent No.7

Mr. Ali Safdar Depar, AAG

Mr. Qamaruddin Nohri DPG along with Raza Mian DSP Legal, PI, SI Haq Nawaz, SI Sikandar and SI Rizwan, P.S Malir City.

ORDER

Adnan-ul-Karim Memon, J: The Petitioner claims to be a law-abiding real estate businessman and taxpayer, claims that respondent No. 7 (Advocate) filed a false criminal application (allowed by the lower court but suspended by this Court in Crl. Misc. 498/2024) to harass and extort him. On 08.02.2025, police officials (Respondents No. 5 & 6) allegedly took the Petitioner to Malir City Police Station, where, in the presence of Respondent No. 7 (Advocate Shakeel Yousuf), he was illegally detained, threatened, and assaulted. Under duress, he transferred PKR 1,700,000 to Respondent No. 7's account and signed an Iqarnama for a shop sale at an inflated price, after which he was released with threats. Subsequently, Respondent No. 5 sent the Petitioner a copy of FIR No. 886/2024 (filed by Respondent No. 7) and demanded PKR 50,000. The Petitioner obtained ad-interim pre-arrest bail in this FIR (Crl. Bail Appl.). He alleges ongoing harassment and fears further false implications. The Petitioner claims his complaints to Respondents No. 2 & 3 were ignored. He asserts that the Respondents' actions violate his fundamental rights (Articles 4, 9, 14, 18, 23, 24) and seeks protection from this Court as he has no other effective remedy and fears for his life and liberty. He requests the Court to direct Rangers for protection. The Petitioner prays for a declaration that the Respondents' actions are illegal and void. He also seeks a writ of prohibition against the Respondents interfering with his fundamental rights. He also seeks directions for the Respondents to submit a list of FIRs and not arrest him in existing ones.

2. Respondent No. 7 denies all harassment allegations, stating he is a law-abiding lawyer. He claims the petition is malicious, aimed at pressuring him in an ongoing property/financial dispute, and that the Petitioner misrepresented facts. He states that he filed a Section 22A & 22B application (Cr. Misc. 819/2024 & 409/2024), which was allowed regarding Shop T-60. The Petitioner challenged this in Crl. Misc. 498/2024, which is pending. Respondent No. 7 claims the Petitioner offered a compromise before filing the 561-A Cr.PC application,

demanding PKR 1,500,000 for the shop he bought for PKR 500,000 in 2005. He alleges the Petitioner still controls and rents out shops in the project without permission, even demolishing/merging them, and faces litigation in this Court regarding building authority directions. Respondent No. 7 accuses the Petitioner of fraud, looting, and extortion from allottees. He claims the Petitioner and his associates harassed and threatened him on 26.11.2024, leading to FIR No. 886/2024. He states the Petitioner and his agent were arrested on his identification on 08.02.2025, after which the Petitioner requested a compromise and transferred payment for the shop, leading to the signing of the Iqrarnama and handover of documents. He alleges the Petitioner's agents rented out the shop without his consent and then to another tenant at a higher rent, violating the tenancy agreement. Respondent No. 7 submits that the petitioner's allegations are baseless and that the matter is purely civil nature, with the Petitioner misusing the Court's criminal jurisdiction. He asserts his right to take lawful action and deems the petition unmaintainable. Respondent No. 7 prays for the dismissal of the harassment petition as baseless, malicious, and unmaintainable.

3. I have heard the parties and perused the record with their assistance.

4. Without prejudice the rights of the parties this matter is referred to the concerned DIGP to resolve the dispute between the parties after hearing them within two weeks. If the DIGP finds evidence of a cognizable offense by either party, he shall direct the relevant SHO to record statements and proceed according to the law. This petition stands disposed of in the above terms.

JUDGE