

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-245 of 2025
(Qurban Ali v Province of Sindh & others)

Date	Order With Signature Of Judge
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Date of hearing and order:- 07.04.2025

Petitioner is present in person.
Mr. Ali Safdar Depar, AAG.
Nemo for the respondents.
Mr. Qamaruddin Noori, DPG along with DSP Raza Mian, DSP Legal-II,
CPO.

ORDER

Adnan-ul-Karim Memon, J: Petitioner is running his business of sale & purchase of property in Karachi since last 15 years having office at Highway Trade centre, Sohrab Goth, Karachi and has completed countless projects in city and surrounding areas. It is inter alia contended by the petitioner that respondent No.2 and respondent No.03 who are police officials of PS Sachal are harassing the petitioner at the behest of private respondent No.6; that the petitioner and his office staff over past few months have been subjected to repeated instances of harassment, undue pressure and misconduct at the hands of certain police personnel; that the respondent No.6 in civil nature issue submitted an application to the SHO of PS Sachal Malir on 07.03.2025 in which claimed that he was partner of the petitioner in business and demanded 70,00,000/- that was borrowed by the petitioner without indicating any legal documents or agreement or transaction with the petitioner.

2. 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 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.”

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

4. 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.

5. 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 the police officials have exceeded their power and authority in connivance with the private respondents they must be brought to book which is only possible if the DIGP Malir hear the parties and take prompt action if the police officials are indulged in the crime. The Police Officers are required to protect and not abduct.

6. The police officials are directed not to harass the petitioner, provided he acts in accordance with the law. Consequently, this petition is hereby disposed of on these terms.

JUDGE

Shafi