

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

PRESENT:

Mr. Justice Arshad Hussin Khan.

Mr. Justice Dr. Syed Fiaz ul Hassan Shah.

Constitutional Petition No.D-1131 of 2024

[Khair Un Nisa Surya Vs. Province of Sindh & others]

Constitutional Petition No.D-1622 of 2024

[Muhammad Sharif Sethar Vs. Province of Sindh & others]

Constitutional Petition No.D-1623 of 2024

[Zulfiqar Ali Vs. Province of Sindh & others]

Mr. Imdad Hyder Solangi, Advocate for petitioner in C.P. No.D-1131 of 2024 and for respondent No.6 in C.P. No.D-1622 of 2024.

Mr. Pervaiz Tariq Tagar, Advocate for petitioner(s) in C.Ps No.D-1622 & 1623 of 2024 and on behalf of contemnors No.5 & 7 in C.P. No.D-1131 of 2024.

Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh.

Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.

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Date of hearing : **15.05.2025**

Date of decision : **15.05.2025.**

ORDER

Dr. Syed Fiaz ul Hassan Shah, J: Since common question of law and facts are involved in the above listed petitions, therefore, these petitions are decided through this common Order. These petitions have

a chequered history. Petitioner Mst. Khair Un Nisa Surya has categorically stated against the malpractice of SSP Shaheed Benazirabad and his subordinate Officers and sought protection as well as injunctive Orders against the SSP Shaheed Benazirabad for harassment and intimidation. The police has lodged various FIRs against the petitioner and her family members and this Court vide order dated 27th March 2025 restrained the respondents police officials from arresting the petitioner or his family members so also not to register any further FIR against them without the permission of the Court. When this Court has taken the stringent observations, the SSP Shaheed Benazirabad and his Officers filed a report on 30.04.2025 that FIRs lodged against the petitioner and her family members have been disposed of under 'C' Class.

2. On the other hand, next stage of harassment started by the police officials through the SSP Naushahro Feroze, therefore, on 30.04.2025 this Court had passed the Order and reminded the SSP Naushahro Feroze to examine the matter and complied with directions of this Court which has already passed on 28.03.2025.

3. Today comments have filed on behalf of the SSP Naushahro Feroze in C.P. No.D-1131 of 2024 and it has been stated that both FIRs, by and against the petitioner has been disposed of under 'B' Class and presently no FIR or the police investigation is pending.

4. The counsel for the petitioner has laid great stress against the 'B' Class disposal of his FIR. We are not persuaded with the request as whatever be the conclusion of investigation has arrived by the Investigation Officer in his police report, it ought to be placed before

concerned Judicial Magistrate having jurisdiction and the petitioner(s) would be at liberty to take all his / her objections before the learned Magistrate, who is the supervisor of investigation report and lawfully authorized to pass appropriate order independently without influence of Police report, and it is sole discretion of Magistrate to accept or reject the police report. Reference can be placed on “Anwar Shamim and another v. The State” (2010 SCMR 1791); “Muhammad Ahmed (Mehmood Ahmed) Vs. The State” (2010 SCMR 660), “Safdar Ali V. Zafar Iqbal” (2002 SCMR 63); “Muhammad Shahid Khattak Vs. The State” (PLD 2013 Sindh 220); “Muhammad Akbar v. State” (1972 SCMR 335); “Falak Sher v. State” (PLD 1967 SC 425).

5. In view of the above, the petitions having served the purposes, we dispose of these three petitions with directions to the respondents / police officials to provide protection to all the petitioners in accordance with law. We also deem it necessary to direct the Additional I.G Special Branch Sindh Police Karachi to inquire about the conduct of both the Districts hierarchy and place his report before the Inspector General of Police for his appropriate orders as it is the mandatory task and duty upon the Special Branch to carefully watch and accumulate material for the perusal of IGP.

JUDGE

JUDGE

Muhammad Danish