

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
C.P. No.D-854 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on MA No.3814/2025.
2. For order on office objection.
3. For order on MA No.3815/2025.
4. For order on MA No.3816/2025.
5. for hearing of main case.

22.05.2025

Mr. Shoukat Ali Pathan advocate for petitioners.

1. Urgency granted.

3. Granted subject to all just exceptions.

2,4&5. Learned counsel for the petitioners contends that the petitioners are engaged in a business wherein members of the public, having blind faith in them, invest money and are paid regular monthly profits. He contends that respondent No.6, who is an advocate, has allegedly misused his position and lodged a false FIR bearing No.55/2025 for offences punishable under Sections 489-F and 34 PPC at Police Station Cantonment, Hyderabad. In connection with the said FIR, the petitioners have been granted pre-arrest bail. Learned counsel further contends that the official respondents, in collusion with the private respondent, are harassing the petitioners and pressurizing them to pay an amount of Rs.3 crore. He also contends that the respondents are obstructing the petitioners from opening their shops and carrying out their lawful business and due to the threats by the private respondent, the petitioners are allegedly unable to move freely within Hyderabad. As such, learned counsel prays for protection of the petitioners from harassment at the hands of the private respondent and his accomplices; for issuance of directions to the SSP for appointment of an inquiry officer to investigate the matter; and, for the quashment of the aforementioned FIR.

From the record and considering the contentions of learned counsel for the petitioners, it appears that the petitioners seek protection from alleged harassment and quashment of FIR

No.55/2025 registered under Sections 489-F and 34 PPC at PS Cantonment, Hyderabad, on the sole ground that they are innocent and the FIR is false. However, the determination of the truthfulness or falsity of the allegations is a matter that can only be adjudicated upon after recording of evidence before the competent Court. In the absence of any cogent material to establish that the FIR is manifestly false or legally barred, no case for quashment is made out at this stage.

The petitioners, despite being on pre-arrest bail, have an adequate statutory remedy and may seek premature acquittal by filing an application under Section 249-A or 265-K Cr.P.C., as the case may be, before the trial court. It is well settled that the constitutional jurisdiction of this Court under Article 199 of the Constitution does not extend to conducting a roving inquiry or appreciation of evidence. Mere assertions of false implication are insufficient to justify quashment of an FIR that discloses a cognizable offence. The Hon'ble Supreme Court has repeatedly held that quashment of an FIR is an exceptional relief, to be granted only when the FIR is patently false, legally incompetent, or amounts to an abuse of process; however, none of which has been demonstrated in the present case.

In view of the above and considering the availability of alternate remedies, the existence of disputed questions of fact and the limited scope of this Court's constitutional jurisdiction, no case is made out for exercise of discretion in favour of the petitioners.

As regards the prayer for protection, it is observed that all citizens, including the petitioners, are entitled to protection in accordance with law and the concerned police officials are duty-bound to ensure the same.

Accordingly, the petition is ***dismissed in limine***, along with all pending applications, as being not maintainable.

JUDGE

JUDGE