

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
 CP. No. S-440/2026  
 (Waseem Ahmed Vs. Province of Sindh & others)

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| Date | Order with signature of Judge(s) |
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**Date of hearing and order.**      **02-07-2026.**

M/s Abdul Rauf Malik and Zakir Khoso advocates for the Petitioner.  
 Mr. Muhammad Faheem DPG  
 Ms. Nasurat Sultana, AAG, along with Inspector Adnan Asmat of P.S. Defence, Inspector Abdul Rashid of P.S. Sohrab Goth, and SI Kashif Bangish, Investigating Officer, Sohrab Goth, Karachi. Sajid Gujjar DSP Legal.

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**ORDER**

**Adnan-ul-Karim Memon, J**

Petitioner Waseem Ahmed has filed this

petition under Article 199 of the Constitution with the following prayer(s): -

- a) *A prohibitory writ restraining official respondents Nos. 2 to 9 from registration of an FIR/Case against the petitioner or any family members on the behest of the opponent party of the petitioner or implicate him in any blind FIR/case and further be directed to act in accordance with law and to provide protection to the petitioner and his family;*
- b) *A prohibitory writ restraining Respondents No.9, his agents/representatives, successor-in-interest or any other employees, servants acting on their behalf from causing further harassment and extending threats to the petitioner for arresting and implicating him in false FIR's till the disposal of the aforementioned petition;*
- c) *Restrain the official respondents Nos. 2 to 9 and their agents, representatives, subordinates or any other acting on their behalf from arresting the petitioner till the final disposal of the instant petition;*
- d) *To direct that Respondents No. 2, 3 and 6 may be directed to initiate departmental proceedings against Respondent No.9 and take appropriate action against him;*
- e) *Any other additional relief(s) as this Court may deem fit and proper in the circumstances of the case; cost of the proceedings.*

2. The petitioner's counsel submits that the petitioner belongs to an educated family; however, he states that multiple civil and criminal proceedings regarding family and property disputes are already pending before different courts since 2022–2023, including suits and appeals before the Hon'ble High Court of Sindh. He contends that the opposite parties are harassing him and repeatedly threatening him to withdraw his cases. Earlier, he had also obtained a protection order from the competent court. It is further submitted that on 20.04.2026, the petitioner was allegedly apprehended by Respondent No.9 (SHO/IO Sohrab Goth) outside his office without lawful justification, as shown in CCTV footage. The officer introduced

himself as investigating a murder case and took the petitioner into custody. During this detention, the petitioner was allegedly threatened to implicate him in false FIRs and was subjected to blackmail for payment of money. The petitioner further alleges that he was forced to arrange and pay Rs.200,000, after which he was released late at night, while threats and demands for further payments continued through phone calls. The petitioner's counsel submits that complaints were also made to senior police officers, but no action was taken. He apprehends further false implication in criminal cases and harassment at the behest of his opponents, who are allegedly influencing police officials. He therefore seeks protection and a restraining order against the respondents from harassing him or registering false cases.

3. Respondent No.9 submits that as per official Station Diary (S.D. No.47 dated 20.04.2026), SI Kashif Khan along with staff had proceeded in connection with investigation of FIR No.137/2026 (under Section 302/34 PPC), FIR No.185/2026 (under Section 397/34 PPC), and FIR No.183/2026 (under Section 397/34 PPC). It is further stated that an application from the petitioner was received through superior officers. The investigating officer contacted the petitioner several times; however, the petitioner did not appear before the police station for inquiry. He submits that allegations of illegal arrest or harassment are denied, and no coercive or unlawful action has been taken against the petitioner. He requests that any direction of the Court shall be complied with in accordance with law.

4. The Investigating Officer present in court submits that the matter relates to FIR No.137/2026 under Section 302 PPC registered at Police Station Sohrab Goth, involving the death of one Muhammad Osman Ghani. According to the complainant, the mother of the deceased, the incident occurred on 28.02.2026 when unidentified persons allegedly strangled the deceased and later transported his body to Abbasi Shaheed Hospital. The FIR was registered on the basis of suspicion of family and domestic disputes. He added that during investigation, statements of witnesses and relatives were recorded, including allegations of strained relations, personal disputes, and involvement of several persons. He pointed out that the complainant initially refused post-mortem examination, but later requested further inquiry. However, during investigation, multiple suspects were interrogated, including persons named in statements, but no conclusive evidence was found. The investigation also included CCTV search, site inspection, and recovery efforts; however, no decisive evidence linking the petitioner or specific accused persons to the crime was established at this stage. The IO further states that the investigation is still ongoing, suspects are being traced, and further legal action will be taken upon completion of the inquiry. He requests that the accused/petitioner may be directed to cooperate with the investigation as and when required.

5. The learned DPD submitted that the Deputy Superintendent of Police (Investigation-I), Sohrab Goth, had been assigned the investigation of FIR No. 620/2026 under Sections 420/406 PPC registered at Police Station Awami Colony,

District Korangi, Karachi, in compliance with directions of the learned Judicial Magistrate XIX, Karachi East, routed through DIGP East Zone and SSP Investigation-I East Karachi. The case file was received on 21.04.2026. It is stated that the Investigating Officer issued multiple notices under Section 160 Cr.P.C. to the nominated accused persons, namely Waseem Ahmed and Mst. Farhat Jameel, requiring their appearance for investigation on different dates, 05.05.2026, 14.05.2026, and 09.06.2026. However, despite repeated notices, they did not appear before the Investigating Officer nor submit any documents, resulting in delay and pendency of the investigation. The report further refers to allegations raised in a related criminal miscellaneous application, wherein it is claimed that SIP Muhammad Kashif of PS Sohrab Goth unlawfully detained the complainant, demanded illegal gratification, and forcibly obtained money, while also making a false DD entry at PS Defence. These allegations are denied, and reference is made to the investigation record of FIR No. 137/2026 under Section 302 PPC. It is submitted that SIP Muhammad Kashif had lawfully conducted raids within jurisdiction in connection with FIR No. 137/2026, recorded statements under Section 161 Cr.P.C., and carried out investigation steps including issuance of notices. It is further stated that the complainant was called to record his statement but allegedly avoided cooperation despite repeated opportunities. The report emphasizes that FIR No. 620/2026 under Section 420/406 PPC and FIR No. 137/2026 under Section 302 PPC are separate and independent cases, and the complainant has not joined the investigation in either matter.

6. I have heard the learned counsel for the parties and perused the record with their assistance.

7. This court has been appraised of the fact that FIR No. 137/2026 was registered at Police Station Sohrab Goth on the complaint of Ms. Zarina, sister of the deceased Muhammad Usman Ali. The complainant stated that on 28.02.2026 at about 10:54 p.m., neighbours informed her that smoke and fire were coming from the room where her brother was present. Upon entering the room, she found it filled with smoke and observed her brother with severe burn injuries and a rope around his neck. He was shifted to Abbasi Shaheed Hospital, where doctors declared him dead. It is further informed that initially, the family declined legal proceedings and refused post-mortem despite repeated requests by the police. After the burial, the complainant alleged that her brother had been burned and then hanged by unknown persons, leading to the registration of the FIR under the suspicion of murder. However, during investigation, the deceased's second wife Samreen alias Atiya disclosed that the deceased was addicted to drugs and alcohol, used to assault her, recorded obscene videos of her, and exploited her. She further expressed suspicion against present petitioner Wasim Ahmed, and Zulfiqar, Bashir alias Mushki, Zarina, and others, alleging prior threats, financial disputes, and personal enmity with the deceased. The investigation revealed that no eyewitnesses or CCTV footage were available. The family consistently refused exhumation and post-mortem, making it

impossible to ascertain the exact cause of death. It is added that despite notices issued under Section 160 Cr.P.C., no admissible evidence was produced by the complainant. The suspects could not be connected with the offence through any reliable evidence, and the investigation remained inconclusive. Consequently, a Final Report under Section 173 Cr.P.C. A-Class/Untraced was recommended against unknown and untraced accused, while the investigation remained open for any future evidence.

8. Prima facie, in the present case, the principal grievance of the petitioner is that he apprehends false implication and harassment by the police at the instance of his private opponents. However, mere apprehension of arrest or registration of a criminal case, without credible material demonstrating mala fide or abuse of lawful authority, does not ordinarily warrant issuance of a writ restraining the police from performing their statutory functions.

9. It is a settled principle that investigation of a cognizable offence falls exclusively within the domain of the investigating agency, and constitutional jurisdiction under Article 199 of the Constitution is not intended to obstruct or supervise an ongoing investigation unless there is clear evidence of lack of jurisdiction, mala fide, or violation of fundamental rights.

10. The record reflects that FIR No.137/2026 was registered on allegations of murder against unknown persons. During investigation, the deceased's wife merely expressed suspicion against the petitioner along with several other persons. The investigation carried out by the Investigating Officer, including recording of statements, inspection of the place of occurrence, search for CCTV footage, issuance of notices under Section 160 Cr.P.C., and interrogation of various suspects, has not yielded any admissible or incriminating evidence connecting the petitioner with the commission of the alleged offence. Rather, the investigation has revealed that the complainant's family initially refused post-mortem examination and consistently declined exhumation of the deceased's body, thereby depriving the investigating agency of the most vital medico-legal evidence necessary to ascertain the exact cause and manner of death. Consequently, the investigation remained inconclusive, no eyewitness or scientific evidence became available, and a Final Report A-Class/Untraced under Section 173 Cr.P.C. has been recommended against unknown and untraced accused.

11. Similarly, about FIR No.620/2026, the record shows that the petitioner has repeatedly failed to respond to notices issued under Section 160 Cr.P.C. requiring his appearance before the Investigating Officer. Therefore, he cannot simultaneously avoid participation in the investigation and seek a blanket restraint against lawful investigative proceedings.

12. In these circumstances, no material has been placed before this Court establishing that the respondents are acting without lawful authority or that the petitioner has been nominated as an accused based on any tangible evidence.

13. Equally, no constitutional or statutory provision empowers this Court to grant a blanket injunction restraining the registration of any future FIR or prohibiting the police from investigating cognizable offences. Such a direction would amount to curtailing powers expressly conferred upon the police under the Code of Criminal Procedure and would be contrary to the settled law laid down by the superior courts.

14. Nevertheless, every investigation must conform to the requirements of Articles 4, 9 and 10-A of the Constitution. Accordingly, the investigating agency is under a legal obligation to conduct the investigation fairly, impartially and strictly in accordance with law, without harassment, coercion or abuse of authority.

15. The petitioner, on the other hand, is equally bound to cooperate with the investigation whenever lawfully required. If at any stage any coercive action is considered necessary, the same shall be taken strictly in accordance with the procedure prescribed by law, and if any fresh cause of action arises owing to any unlawful or mala fide act of any official, the petitioner shall be at liberty to avail himself of the remedies available under the law.

16. Accordingly, finding no present violation of any fundamental right warranting interference under Article 199 of the Constitution, and there being no legal justification to restrain the respondents from performing their statutory duties, this petition is disposed of, with the observation that the investigation shall proceed strictly in accordance with law and culminate to its logical conclusion, uninfluenced by any observation made herein, and the petitioner shall extend full cooperation whenever required by the Investigating Officer. Such outcome of the further investigation to be conducted by an officer of the rank of DSP of good repute to be nominated by the IGP Sindh; the report shall be shared with the concerned Magistrate by the Investigating Officer within three weeks. All pending applications, if any, also stand disposed of.

Let a copy of this order be communicated to the IGP Sindh for compliance.

JUDGE