

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constitution Petition No. D-722 of 2026

Date	Order with signature of Judge
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- 1. For orders on M.A No.3660/2026 (U/A).
- 2. For orders on office objections 'A'.
- 3. For orders on M.A No.3661/2026 (E/A).
- 4. For orders on M.A No.3662/2026 (S/A).
- 5. For hearing of main case.

03.09.2026

Mr. Muhammad Yousif Narejo, Advocate for petitioner.

- 1. Urgency application is granted.
- 2 to 5. The instant petition seeks quashment of FIR No.16 of 2014, registered for an offence punishable under Section 302, PPC. The main grievance of the petitioner is that the FIR was lodged in abuse of the process of law. It is contended that although the complainant and eyewitnesses were admittedly present at the place of occurrence, they were not named in the FIR initially and were subsequently introduced during the course of investigation. The petitioner further relies upon the alleged improvements made by the prosecution as a ground for seeking quashment of the FIR. Besides quashment of the FIR and the proceedings arising therefrom, the petitioner has also sought restraint against his arrest, production of the investigation record by the Investigating Officer, and a direction to the DIGP to entrust the investigation to a competent police officer.

Learned counsel for the petitioner relies upon the grounds urged in the petition and submits that the petitioner also requires protection. He has placed on record a copy of the case diary of the trial Court uploaded through CFMC and submits that the bail application of the petitioner has already been confirmed. He, therefore, seeks quashment of the FIR, change of investigation, and protection against arrest.

Heard and perused.

At the outset, the grounds urged by learned counsel do not constitute valid grounds for quashment of the FIR. The FIR relates to an offence of murder, and the questions raised by the petitioner regarding the subsequent introduction of the complainant and eyewitnesses during investigation, as well as the alleged improvements in the prosecution case, essentially relate to appreciation of evidence. It is one of the purposes of investigation to ascertain the identity and

involvement of persons connected with the occurrence, and their names may, in appropriate circumstances, emerge during the course of further investigation or through subsequent statements. Whether such subsequent introduction is legally justified or amounts to an improvement is a question which cannot appropriately be determined at this stage; rather, the same is to be assessed by the trial Court after recording and evaluating the evidence.

So far as the prayer for protection and change of investigation is concerned, an adequate remedy is already available to the petitioner under Sections 22-A and 22-B, Cr.P.C. The learned Justice of Peace is vested with jurisdiction to issue appropriate directions regarding transfer/change of investigation and, where warranted, to provide protection against harassment. The petitioner, therefore, cannot directly invoke the constitutional jurisdiction of this Court when an efficacious remedy is available under the law.

It is, however, rather surprising that the petitioner has sought a direction restraining his arrest, whereas learned counsel himself submits that his bail has already been confirmed. The case diary of the trial Court, uploaded through CFMC, has been relied upon by learned counsel in support of such submission. Thus, the prayer seeking protection against arrest is itself misconceived.

In view of the foregoing, no ground for quashment of the FIR or for grant of the other reliefs sought by the petitioner is made out. Consequently, this petition is dismissed in *limine*.

JUDGE

JUDGE