

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4159 of 2026

(Abbas Malik v Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Adnan Iqbal Chaudhary

Date of hearing and Order: 06.07.2026

Mr. Sadam Hussain Junejo, Advocate for the petitioner.

ORDER

Adnan-ul-Karim Memon, J. – The petitioner, invokes the constitutional jurisdiction of this Court under Article 199 of the Constitution, challenging the legality of F.I.R. No. 138/2026 registered at Police Station SIU, Karachi East, under Sections 419, 420, 170 and 171 PPC.

2. We called upon learned counsel to satisfy the Court on the maintainability of the petition, in view of the fact that an alternate statutory remedy is available before the concerned Magistrate, who may seek an interim report from the Investigating Officer of the subject crime and take appropriate action in case of non-compliance or defiance by the police.

3. It is the petitioner's case that on 19.05.2026, he was forcibly taken from his residence by several individuals, including persons in police uniform, who also removed his personal belongings and vehicle. Immediately thereafter, his wife approached the concerned police authorities and, upon their failure to act, dispatched a written complaint to the SHO, Police Station Sachal, on 20.05.2026 regarding his alleged illegal abduction. According to the petitioner, he remained in unlawful and unrecorded custody until 24.05.2026, when the impugned F.I.R. was registered by Respondent No. 5 based on a fabricated version showing his arrest on the same date while allegedly impersonating a police officer and possessing a fake police card and certain KDA documents. The petitioner maintains that the alleged arrest and recoveries were staged only to conceal his prior illegal detention. The petitioner was produced before the learned Judicial Magistrate on 25.05.2026 and was admitted to bail, as the offences alleged were bailable. However, during the course of the investigation, he repeatedly brought to the notice of the Investigating Officer the prior complaint lodged by his wife and the circumstances of his alleged illegal detention; however, no consideration was given to this material.

4. It is contended by the counsel that despite the lapse of the statutory period prescribed under Section 173 Cr.P.C., the investigation has not culminated in submission of the final report, which, according to the petitioner, reflects the absence of credible evidence in support of the prosecution case. Learned counsel submits that the impugned proceedings are the result of mala fides, constitute an abuse of the process of law, and infringe the petitioner's fundamental rights guaranteed under Articles 4, 9, 10-A and 14 of the Constitution. It is argued that the continuation of the criminal proceedings would amount to harassment and misuse of legal process, warranting interference by this Court in the exercise of its constitutional and inherent jurisdiction. The petitioner, therefore, prays that the impugned F.I.R. and all consequential proceedings be declared unlawful and set aside, appropriate action be initiated against the officials responsible for the alleged illegal detention and fabrication of the criminal case, and such other relief be granted as this Court may deem just and proper in the circumstances.

5. We have considered the submissions advanced by learned counsel for the petitioner on the maintainability of the petition.

6. Without expressing any opinion on the merits of the allegations, we are of the view that the petitioner has an efficacious statutory remedy available before the learned Magistrate under the Code of Criminal Procedure, who is competent to supervise the investigation, call for interim reports from the Investigating Officer, and ensure that the investigation is conducted in accordance with law.

7. In case of any failure or deliberate non-compliance by the Investigating Officer to submit the final report within the prescribed time, the learned Magistrate is empowered to take appropriate legal and disciplinary action against the concerned police officials.

8. In these circumstances, the extraordinary constitutional jurisdiction of this Court under Article 199 of the Constitution is not warranted at this stage, particularly when disputed questions of fact requiring proper investigation are involved, and the statutory forum is fully competent to address the grievances raised.

9. The petition is accordingly found to be not maintainable and is disposed of in limine, leaving the petitioner to avail the alternate remedy in accordance with law.

JUDGE

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