

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-3824 of 2026
(*Muhammad Zaka ul Wahid Khan versus Province of Sindh & others*)

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| Date | Order with signature of Judge |
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing and order: 02.7.2026

Malik Muhammad Shahid, Advocate for the petitioner
Mr. Imran Ahmed Khan Abro, Assistant AG
ASI Mairaj Khan, Docks Police Station (Investigation)

ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 with the following prayer: -

- a) *Quash FIR No.168/2026 registered at Police Station Docks under Sections 420, 468 and 471 PPC, along with all consequential proceedings arising therefrom, against the Petitioner;*
- b) *Declare that the impugned FIR is false, frivolous, fabricated, mala fide, and an abuse of the process of law;*
- c) *Hold that the continuation of criminal proceedings against the Petitioner would amount to a miscarriage of justice and abuse of the process of the Court.*

2. The petitioner's counsel submits that he has never been involved in any unlawful activity. He has been falsely implicated in FIR No. 168/2025 under Sections 420, 468, and 471 PPC registered at Police Station Docks, which is based on false, fabricated, and mala fide allegations arising out of a family and property dispute. He added that the dispute between the parties essentially relates to inheritance and ownership of a residential property situated at Karachi; that the petitioner's mother, being one of the legal heirs, had already instituted a civil suit for partition when disputes arose within the family. During the pendency of civil proceedings, the opposite side allegedly procured a disputed gift deed through fraudulent means and relied upon it to defeat the lawful rights of other heirs, which is presently under challenge in appellate proceedings before the Hon'ble High Court. It is further submitted that the complainant, who is acting as an attorney of the petitioner's sister residing abroad, along with other private individuals, has initiated multiple civil and criminal proceedings against the petitioner and his family members, all of which reflect a continuous pattern of harassment and pressure tactics aimed at forcing them to surrender their lawful rights in the property. These proceedings clearly demonstrate that the matter is civil in nature and has been deliberately given a criminal colour. The petitioner was residing and working in Islamabad at the relevant time and had no direct involvement in the alleged transactions. Despite this, he has been implicated

without any credible evidence. The FIR itself is highly delayed, and no plausible explanation has been offered for such delay, which further casts serious doubt on the genuineness of the allegations. It is also submitted that the petitioner promptly joined the investigation after obtaining pre-arrest bail and fully cooperated. During the investigation, documentary and banking records were produced which negate the allegations; however, the Investigating Officer failed to properly consider the same and conducted a one-sided investigation. The petitioner contends that the impugned FIR has been registered with mala fide intent, in order to exert pressure in ongoing civil litigation and to settle personal scores. Even otherwise, the allegations do not disclose the commission of any cognizable offence against the petitioner, and continuation of proceedings would amount to an abuse of the process of law and result in grave miscarriage of justice. In these circumstances, it is prayed that FIR No.168/2025 and all consequential proceedings arising therefrom be quashed against the petitioner.

3. We have been informed by the police that the complainant, Abdul Razaq, lodged FIR No.168/2026 stating that he is the duly appointed attorney of Mst. Waheeda Kausar, resident of the United Kingdom, and is authorized through a Special Power of Attorney executed via Embassy to pursue her legal affairs in Pakistan. It is alleged that Waheeda Kausar's late father maintained a bank account at HBL KPT Branch, Karachi, containing approximately Rs.90,422.90. He further stated that a civil suit was filed for recovery of the said amount, during which the bank confirmed the existence of funds; however, it later transpired that the amount had already been withdrawn on 05.09.2023. During subsequent proceedings before the learned 11th Additional District Judge (West), it was revealed that the withdrawal was made based on an indemnity bond dated 02.08.2023, which is alleged to contain forged signatures of Mst. Waheeda Kausar, who was residing abroad at the relevant time. It is further alleged that Zaka-ul-Wahid, in connivance with Mst. Asia Bibi, used the said forged indemnity bond to unlawfully withdraw and misappropriate the amount from the deceased's bank account, attracting offences under Sections 420, 468 and 471 PPC. The Investigating Officer added that he intends to further inquire from the petitioner in the earlier case; however, according to police, the petitioner is not cooperating with the investigation and has instead approached the Court by filing the instant petition. It is submitted that no harassment has been caused to the petitioner during the course of investigation.

4. From a careful examination of the record, the submissions of learned counsel for the parties and the contents of FIR No.168/2026, it transpires that the core allegation relates to withdrawal of an amount from a deceased person's bank account based on an indemnity bond allegedly containing forged signatures. The complainant asserts that such withdrawal was effected fraudulently and that criminal offences under Sections 420, 468 and 471 PPC are attracted. However,

the record further reveals that the entire dispute originates from proceedings already pending before competent civil Courts, wherein questions regarding inheritance, entitlement, and validity of documents are sub judice. The alleged indemnity bond, its authenticity, and the entitlement of parties to the funds are all matters requiring detailed evidence, including expert examination and documentary scrutiny, which fall squarely within the domain of civil adjudication and cannot be conclusively determined in constitutional jurisdiction.

5. Learned counsel for the petitioner, in rebuttal, submitted that the petitioner's involvement is not supported by any direct or prima facie material establishing mens rea or active participation in the alleged offence of forgery or cheating. He contended that mere allegations arising out of an intra-family dispute and ongoing civil litigation are insufficient to justify criminal prosecution in the absence of independent, credible, and substantive evidence. He further argued that it is a settled principle of law that civil disputes cannot be given a criminal colour, and the criminal process cannot be used as a tool for pressure or coercion. According to him, conversion of a purely civil controversy into a criminal case, without foundational facts constituting the ingredients of the alleged offences, amounts to an abuse of the process of law. It was also submitted that the dispute essentially relates to inheritance and financial rights already pending adjudication before competent civil Courts. The allegations involve disputed documents, signatures, banking transactions, and questions of intent, all of which require detailed evidence and forensic examination, and therefore, cannot be properly adjudicated in criminal proceedings at this preliminary stage without prejudicing the rights of the petitioner.

6. Without touching the merits of the case, accordingly, the DIGP concerned is directed to further investigate the matter through a competent officer of DSP rank and ascertain the petitioner's role, and to submit a report before the concerned Court indicating whether continuation of FIR proceedings, in the absence of clear prima facie evidence of criminal intent in view of the civil nature of the dispute would amount to abuse of process or result in miscarriage of justice.

7. The petition is disposed of in the above terms alongwith listed applications. However, after submission of the DIGP's / Investigating Officer's report before the concerned Court, the parties shall be at liberty to pursue their remedies before the competent fora in accordance with law.

JUDGE

JUDGE

