

THE HIGH COURT OF SINDH KARACHI

C.P. No. D - 4638 of 2026

[Muhammad Mohiuddin v. Investigation Officer, P.S. Sahil & others]

Petitioner : Muhammad Mohiuddin through Iftikhar
Ahmed Shah, Advocate.

Date of hearing : 24-07-2026

Date of decision : 24-07-2026

ORDER

Adnan Iqbal Chaudhry J. - 1. Urgency granted. 2. Exemption granted subject to all just exceptions. 3 & 4. The Petitioner challenges an order dated 16.07.2026 issued by the DIG of Police, South Zone, Karachi for reinvestigation of subject FIR by SP Investigation-I (South) under the supervision of the DIG of Police [**impugned order**].

2. Events leading to the petition are as follows. FIR No. 49/2026 was lodged by the Petitioner at Police Station Sahil, Karachi South, against Mst. Misha Qasim for offences of fraud, theft, trespass etc. punishable under sections 420, 380, 454 and 506 PPC. On 17.03.2026, the I.O. of the case submitted report to the Magistrate and recommended disposal of the case under 'C' Class. However, upon the Petitioner's application under section 22-A(6) Cr.P.C., the Additional Sessions Judge / Ex-Officio Justice of Peace passed order dated 26.03.2026 directing that investigation be assigned afresh to a DSP. By report dated 14.04.2026, the DSP Investigation, Clifton Division also recommended disposal of the case under 'C' Class. On 11.05.2026, the Magistrate ordered further investigation by an officer of SP rank of a District other than District South. Investigation was thus assigned to SP Keamari Division. This time, the accused person, Mst. Misha Qasim, was dis-satisfied with the investigation and made an application to the AIGP, Karachi Range for transfer of investigation. That application was put up before the Board designated for such purpose under section 18(4) of the Sindh (Repeal of Police Act, 1861 and Revival of Police Order, 2002) (Amendment) Act, 2019, comprising of an SSP and two SPs. Upon the Board's recommendation, followed by approval of the Provincial Head of Investigation as required by section 18(4), the impugned order was issued to assign reinvestigation to the SP Investigation-I (South) under supervision of the DIG of Police South Zone.

3. Learned counsel for the Petitioner accepts that the power of the Provincial Head of Investigation to change investigation on the

recommendation of the Board under section 18(4) of the Act of 2019, is independent of like power that may be exercised by the Judicial Magistrate while passing an order on an investigation report submitted under section 173 Cr.P.C., which is also an administrative order. This is not a case where the impugned order was issued by the DIG of Police to by-pass the Magistrate's order, rather the impugned order was passed on subsequent events on an application made by the accused person. In fact, the impugned order is consistent with the Magistrate's order in assigning investigation to an officer of SP rank. Learned counsel thus confines himself to the submission is that the impugned order conflicts with the Magistrate's prior order dated 11.05.2026 to the extent that it assigns investigation to an SP of District South, whereas the Magistrate had ordered that the investigation be assigned to an SP of another District.

4. It is apparent that where the impugned order assigns investigation to an SP of the same District where the FIR is registered, viz. District South, it is keeping in line with sub-section (2) of section 18 of the Sindh (Repeal of Police Act, 1861 and Revival of Police Order, 2002) (Amendment) Act, 2019, which envisages that a criminal case registered in a District comes under the supervision of the Head of Investigation of that District and is ordinarily to be investigated by officers deputed to the same District. Therefore, the impugned order does not suffer from any legal infirmity. For the present, we also do not see any reason for the investigation to be entrusted to a hierarchy outside the concerned District. Resultantly, the petition is dismissed.

Office shall forward a copy of this order for information to the Magistrate seized of FIR No. 49/2026 registered at Police Station Sahil, Karachi (South).

JUDGE

JUDGE

**PS/SADAM*