

IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No. D-491 OF 2026
C.P.No. D-331 OF 2026

Date	Order with Signature of Judge
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Before:-

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

C.P.No.D-491 OF 2026

Faisal Hameed
versus
Province of Sindh and others

C.P.No.D-331 OF 2026

Faisal Hameed
versus
Province of Sindh and others

Date of Hearing 11-02-2026.

Mr. Ali Tahir, Advocate for the Petitioner.
M/s. Khadim Hussain and Iqbal Awan, Additional Prosecutor
Generals.
M/s. Abdul Jalil and Arshad Naqvi, A.A.Gs.

ORDER

ZULFIQAR ALI SANGI, J: The instant Constitutional Petitions have been instituted under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, whereby the Petitioner has invoked the constitutional jurisdiction of this Court to impugn the alleged illegal, arbitrary and mala fide acts and omissions of the Respondents. The principal grievance of the Petitioner pertains to the registration of successive First Information Reports (FIRs) and the initiation of coercive criminal proceedings in respect of the same underlying transaction and cheque series, allegedly in derogation of settled principles of criminal jurisprudence and binding judicial precedents. It is asserted that such actions have infringed the Petitioner's fundamental rights guaranteed under Articles 4, 9, 10-A and 14 of the

Constitution, thereby necessitating interference by this Court in exercise of its extraordinary constitutional jurisdiction.

2. Briefly stated, according to the averments contained in the memo of petition, the Petitioner is a law-abiding citizen of Pakistan, permanently residing within the country and engaged in lawful trade and commerce, having no prior criminal conviction or adverse antecedents. The Petitioner is stated to be the sole proprietor of a business concern operating under the name and style of “EY Enterprise,” established in or about March–April 2023. Since its inception, the said enterprise is alleged to have conducted its commercial affairs strictly in accordance with law, maintaining proper books of accounts, complying with applicable taxation laws, securing requisite registrations and licenses, and conducting transactions through declared and traceable banking channels. The business of EY Enterprise comprises the import, wholesale distribution and retail sale of solar panels and allied equipment across Pakistan. Owing to the magnitude of its operations, the Petitioner routinely engages in high-value commercial transactions involving advance payments, bulk imports, warehousing, transportation and onward supply in various cities. For the facilitation of such transactions, multiple bank accounts are maintained with scheduled banks and cheque instruments are utilized in the ordinary course of business.

3. It is further averred that from April 2023 onward, the Petitioner entered into a commercial arrangement with Mateen Sons, a business concern owned by the father of Respondent Danish Mateen. Under the said arrangement, Mateen Sons allegedly acted as importer of solar panels, while EY Enterprise purchased goods on advance payment basis for subsequent distribution. This business relationship purportedly continued without dispute until June–July 2025, when Mateen Sons was allegedly blacklisted by the manufacturer “Jinko” due to defaults and irregularities. Upon acquiring knowledge of this development, the Petitioner claims to have terminated the prior arrangement and commenced independent imports under EY Enterprise, allegedly resulting in substantial commercial growth.

4. It is further contended that between June and July 2025, advance payments amounting to approximately PKR 31.30 crore were made to Mateen Sons against confirmed orders; however, the goods

were not supplied. During this period, on 17 September 2025, an incident of robbery allegedly occurred wherein a bag belonging to an employee of EY Enterprise was snatched, containing official documents and a cheque book issued by Bank Al Habib. In respect of this occurrence, FIR No. 556/2025 under Sections 382/34 PPC was registered at Police Station Korangi. The Petitioner asserts that immediate intimation was furnished to the concerned banks, resulting in cancellation of the stolen cheque series and issuance of fresh cheque books.

5. Notwithstanding such cancellation, Respondent Danish Mateen allegedly misused a cheque from the cancelled series, leading to registration of FIR No. 794/2025 under Section 489-F PPC at Police Station Boat Basin. It is contended that the cheque in question was dishonoured on the ground of “signature differs,” thereby, according to the Petitioner, negating the essential ingredient of dishonest issuance as contemplated under Section 489-F PPC. The Petitioner further maintains that the matter was subsequently settled under coercive circumstances.

6. The petition further delineates subsequent developments, including the registration of FIR No. 506/2025 at Police Station Latifabad, Hyderabad, against Respondent Danish Mateen under Sections 406, 420 and 506 PPC; the alleged unlawful release of the said Respondent; threats of further criminal proceedings; nocturnal police visits and raids at the Petitioner’s residence; alleged concealment and subsequent disclosure of FIR No. 36/2026 registered at Police Station Gizri under Sections 365-A, 392, 506-B and 34 PPC; and repeated actions purportedly undertaken in disregard of protective orders earlier passed by this Court in Constitutional Petition Nos. 227 of 2026 and 331 of 2026.

7. The Petitioner contends that the cumulative effect of the aforesaid actions manifests a pattern of mala fide conduct, abuse of the criminal process and deliberate harassment, allegedly aimed at converting a purely civil and commercial dispute into multiple criminal proceedings. Reliance has been placed upon judicial precedents, including **PLD 2018 SC 595 (Mst. Sughran Bibi v. The State)**, to contend that ordinarily only one FIR may be registered in respect of one occurrence or transaction, and that Section 489-F PPC cannot be

employed as an instrument for recovery of alleged business liabilities. It is further asserted that multiplicity of FIRs arising from the same cheque series or transaction is impermissible and violative of due process of law. Serious allegations have also been levelled against certain police officials, including the present Investigation Officer.

8. Conversely, the Respondents have raised preliminary objections regarding the maintainability of the petition on the grounds, inter alia, that: (i) restraining the registration of FIRs would be contrary to the mandate of Section 154 Cr.P.C.; (ii) the petition is barred under Sections 42 and 56 of the Specific Relief Act, 1877; (iii) an alternate and efficacious remedy is available to the Petitioner; (iv) earlier constitutional petitions containing similar prayers have already been disposed of; and (v) the Petitioner has approached this Court with unclean hands. Para-wise comments have been filed denying the allegations and asserting that certain cheques were duly issued by the Petitioner in discharge of outstanding liabilities. Learned counsel for the State has further objected to the maintainability of the petition on the ground that the Petitioner has deliberately failed to join the investigation, has absconded, and is presently residing abroad in order to evade the process of law.

9. Learned counsel for the parties, including the learned Assistant Advocate General and learned Additional Prosecutor General, have been heard at considerable length. The record has been carefully perused with their able assistance. It has also been brought to the notice of this Court in connected proceedings that certain FIRs have since been disposed of as "A" or "C" class, thereby rendering certain aspects of the controversy infructuous.

10. We have given our anxious consideration to the submissions advanced at the bar and have examined the material available on record.

11. It is by now a settled proposition that investigation of a cognizable offence squarely falls within the statutory domain of the police under Chapter XIV of the Code of Criminal Procedure, 1898. The independence of the investigating agency, subject to lawful supervision, is an essential facet of the rule of law. The Honourable Supreme Court of Pakistan in ***Muhammad Hanif v. The State (2019***

SCMR 2029), relying upon the celebrated judgment of the **Privy Council in Emperor v. Khwaja Nazir Ahmed (AIR 1945 PC 18)**, has unequivocally held that the judiciary ought not to interfere in matters falling within the lawful province of the police, particularly at the stage of investigation, except in exceptional circumstances recognized by law. The functions of the judiciary and the police are complementary yet distinct, and premature interference in the investigative process is ordinarily discouraged.

12. In the present case, it has been asserted, and not effectively controverted, that the Petitioner has failed to join the investigation and is presently residing abroad. Such conduct prima facie demonstrates an intention to evade the process of law. It is a settled principle that a person who is in defiance of the lawful authority of the Court by absconding cannot simultaneously seek indulgence from the constitutional court. Jurisdiction under Article 199 of the Constitution is discretionary and equitable in nature. A litigant invoking such jurisdiction must approach the Court with clean hands and exhibit bona fide conduct. The superior courts have consistently held that a fugitive from justice or proclaimed offender is not entitled to be heard on merits unless he first surrenders before the competent forum and submits to the process of law. The maxim **“he who seeks equity must do equity”** squarely applies in such circumstances. Reference may also be made to the order of the Honourable Supreme Court of Pakistan in **Mehboob-ur-Rehman and Jawar v. The State (Criminal Misc. Appeal No. 1-Q of 2024, decided on 21.03.2024)**, wherein relief was declined to accused persons who had not surrendered.

13. In view of the settled legal position, this Court is of the considered opinion that the instant petitions, insofar as they seek quashment of FIRs at the behest of an absconder who has not joined investigation, are not maintainable. The Petitioner is required, in the first instance, to surrender before the competent court, join the investigation and submit to the jurisdiction of the trial court. Thereafter, if any legally sustainable grievance survives, he may avail such remedies as are permissible under the law.

14. Before parting with this Order, nevertheless, this Court cannot remain oblivious to the serious allegations levelled by the Petitioner against certain police officials, including the Investigation Officer of

FIR No. 36/2026 registered at Police Station Gizri under Sections 365-A, 392, 506-B and 34 PPC, to which Section 7 of the Anti-Terrorism Act, 1997 was subsequently added. Allegations of harassment, unlawful raids and intimidation of family members have been raised, and certain photographs have been appended with the petition in support thereof. Without expressing any opinion on the merits of such allegations, and in order to ensure transparency and fairness in the investigative process, we deem it appropriate, in the interest of justice, to transfer the investigation of FIR No. 36/2026 to SSP Amjad Ali Shaikh, SSP Kemari, Karachi, who shall conduct the investigation under the supervision of Additional IGP, Sindh, Azad Khan, posted at KPO Karachi. The Inspector General of Police, Sindh, is directed to issue a formal order of transfer within three days. The newly appointed Investigation Officer shall conclude the investigation expeditiously, preferably within fifteen (15) days from the issuance of such order, and submit the final report before the competent court of jurisdiction.

15. We are also mindful of the submission that the Petitioner is presently abroad and has sought protective bail to enable him to return and join the investigation. In the interest of justice, and to facilitate submission to the process of law, the Petitioner is granted protective bail for a period of ten (10) days from his arrival in Pakistan, during which he shall not be arrested in any of the FIRs presently under challenge, subject to furnishing solvent surety and a personal recognizance bond in the sum of PKR 20,00,000/- to the satisfaction of the Nazir of this Court. This concession is strictly limited to enabling the Petitioner to surrender before the competent court and seek appropriate relief in accordance with law.

16. With the above observations and directions, these Constitutional Petitions stand disposed of, along with all pending applications.

JUDGE

JUDGE