

**IN HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No.D-168 of 2026

[Abdul Latif Khonharo & another v. Province of Sindh & others]

Before:

Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

Petitioners	:	Abdul Latif Khonharo and another through Mr. Saeed Ahmed Tanwari, Advocate.
Respondents	:	Nil.
Date of Hearing	:	03.02.2026
Date of Decision	:	03.02.2026

ORDER

RIAZAT ALI SAHAR. J. - Through this petition, the petitioners are seeking following reliefs:-:-

- a) *That this Honorable Court may be pleased to order for conducting of judicial inquiry in the supervision of any Honorable Sessions Judge..*
- b) *That this Honorable Court may be pleased to direct respondents No.3 to constitute the Joint Investigation Team (JIT) in the supervision of DSP Siraj Ahmed Lashari for conducting fair and impartial investigation and inquiry in the matter of petitioners.*
- c) *That this Honorable Court may be pleased to direct respondents not to register any false FIR against petitioners in order to misuse of their powers without due course of law and permission of this Honorable Court as respondents No.6 and still trying to lodge false FIR against the petitioners directly, indirectly and or through his friends.*
- d) *That this Honorable Court may be pleased to direct to the respondent No.1 to 5 to ensure that no arrest will be made out without the permission of the Honorable Court.*

- e) *That the honorable Court may be pleased to direct the respondents No.3 & 4 to forthwith lodge an FIR on the complaint of the petitioner No.1 against the respondent No.6 and his companions regarding their illegal acts committed by the respondent No.6 and his companions dated: 11.01.2026.*
- f) *That this Honorable Court may be pleased to direct to respondents No.1 to 5 to restrain from lodging false FIR to respondents No.6 and his companions from causing any harassment to petitioners and their family and also provide legal protection to petitioners and also to direct the respondent No.6 to return the above snatched articles.*
- g) *Any other relief which this Honorable Court deems fit and proper may be awarded.*

2. In their petition, the petitioners have claimed that they are presently residing at Ghulshan-e-Shahbaz, Jamshoro since 2010, where they earn their livelihood through a cattle shed. They alleged that on the night of 11.01.2026 at about 2200 hours, a police party comprising 15–20 officials, allegedly led by respondent No.6, forcibly entered the petitioners' residence and cattle shed without warrant or lawful authority. The petitioners alleged that the family members were kept under wrongful confinement, subjected to maltreatment and that the son of petitioner No.1, namely Ghulam Muhammad alias Dada, was apprehended. During the said operation, original CNICs, a passport token, a licensed 12-bore pistol, cash amounting to Rs.16,000/-, mobile phones and a motorcycle were allegedly taken away and the said son was removed to an undisclosed place.

3. The petitioners have further alleged that on the following day, petitioner No.1 met respondent No.6 at Police Post Society, Jamshoro, where assurances were given that after verification of documents, the detained son would be released and belongings returned. However, on 13.01.2026, FIR No.14 of 2026 under Section 9 (1) (3-C) of the Sindh Control of Narcotic Substances Act, 2024 was registered at Police Station Jamshoro against the son of petitioner No.1 on the complaint of an ASI,

allegedly to legalize the prior detention and to shield the respondent police officials. The petitioners further alleged continued threats, refusal to return the seized articles and intimidation to involve other family members in false cases or fake encounters. Per petitioners, applications were moved before senior police officers and requests for constitution of a Joint Investigation Team, but no relief was forthcoming, hence, they have filed present constitutional petition seeking judicial inquiry, registration of FIR against respondent No.6, recovery of articles and protection.

4. Learned counsel for the petitioners contends that the alleged acts constitute gross police excesses, illegal detention and violation of Articles 9, 10-A and 14 of the Constitution. He contends that the FIR is *mala fide*, registered only to cover up an unlawful raid and abduction and that repeated representations to senior police officers have failed. At this stage, the Court queried as to the maintainability of the petition in view of the availability of alternate statutory remedies under Sections 22-A & 22-B Cr.P.C. In response, learned counsel contends that constitutional jurisdiction is not barred where fundamental rights are violated and in such circumstances, this Court may intervene despite alternate remedies where actions are without lawful authority or actuated by malice.

5. Having heard learned counsel and perused the record with care, we are of the considered view that the present petition is not maintainable and is liable to be dismissed in *limine* for the reasons that the entire structure of the petition rests upon disputed questions of fact, including the manner of arrest, alleged recovery of narcotics, alleged looting of articles and alleged threats by police officials. Such controversies require evidence and factual determination, which cannot be undertaken in constitutional jurisdiction under Article 199 of the Constitution. This Court does not act as a trial court to adjudicate upon contested allegations requiring recording of evidence.

6. It is an admitted position that FIR No.14 of 2026 stands registered against the son of petitioner No.1 under the Sindh Control of Narcotic Substances Act, 2024. The legality or otherwise of the said FIR, the alleged false implication, or *mala fide* recovery are matters squarely falling within the domain of the trial court and statutory forums provided under the Cr.P.C. Adequate remedies are available to the accused, including bail, discharge, acquittal and recourse to Section 22-A & 22-B Cr.P.C. The petitioners have failed to demonstrate exceptional circumstances warranting bypass of such remedies. The reliefs sought, judicial inquiry, registration of FIR against police officials, recovery of articles and constitution of a JIT, are not ordinarily granted in constitutional jurisdiction, particularly when the law provides a complete mechanism for redressal of the grievances. The Supreme Court has consistently held that constitutional jurisdiction is not to be invoked to supervise investigations or to direct registration of FIRs where statutory remedies exist.

7. We have also found that the sequence of events, *prima facie*, indicates that the present petition has been filed after the registration of a criminal case against the son of petitioner No.1. This timing lends credence to the inference that the petition has been instituted to exert pressure upon the investigating agency and to prejudice the pending criminal proceedings, as such, constitutional jurisdiction cannot be permitted to be used as a shield to frustrate or influence the process of law. The allegations of threats, looting and misuse of authority, howsoever serious, remain unsubstantiated at this stage and can appropriately be agitated before the competent fora. Mere allegations, without independent corroboration, do not justify invocation of extraordinary jurisdiction, particularly when the petitioners have not exhausted the remedies expressly provided by law. No case of irreparable loss or imminent danger warranting immediate constitutional intervention has been made out. The apprehensions

expressed are *prima facie* theoretical and can be adequately addressed through lawful channels.

8. For what has been discussed above, we find no merit in the present petition, which is accordingly **dismissed** in *limine*, being misconceived, not maintainable and an attempt to evade the ordinary course of criminal law. The petitioners, however, are at liberty to avail all remedies available to them under the law.

JUDGE

JUDGE

Abdullahchanna/PS