

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, MIRPURKHAS
C.P. No.S-265 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
	For order on office objection. For hearing of main case.
<u>24.12.2025</u>	
	Mr. Wishan Das Kolhi advocate for petitioners.
	Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh along with Inspector Kamran Halepoto SHO Old Mirpur, SIP Fateh Ali PS Taluka Mirpur, SIP Abdul Rasheed on behalf of SHO PS Town Mirpurkhas, SIP Muhammad Iqbal Jat CIA Centre Mirpurkhas and ASI Gordan Mehraj PS Khaan.
	Mr. Afzal Karim Virk advocate files Vakalatnama on behalf of respondent No.9, taken on record.
	Comments filed on behalf of respondent No.3, 4, 6, 7 & 8 are taken on record.

The Petitioners, through the instant Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seek direction against respondents No.4 and 8 restraining them from causing harassment to the petitioners and their family members allegedly at the instance of respondent No.9. They also pray for protection.

2. Learned counsel for the petitioners submits that on 11.12.2025, respondent No.9 allegedly came to the residence of the petitioners and damaged the window glass of the Alto car belonging to petitioner No.1. He submits that respondent No.9 also called police who instead of taking lawful action lifted the vehicle and booked the petitioners in a false criminal case bearing Crime No.92 of 2025 registered at Police Station Old Mirpur under Section 353 PPC and Sections 4/8 SPPMS Act, 2019. He further submits that on the same day, police from different police stations conducted raids at the residence of the petitioners without any search warrant, damaged household articles, broke cupboards, but recovered nothing. According to counsel, all such acts were initiated at the instance of

respondent No.9, who is politically influential and allegedly intends to usurp the agricultural land of petitioner No.1. Learned counsel submits that although the petitioners have obtained bail in the aforesaid criminal case, they continue to face harassment at the hands of police; hence protection may be provided to the petitioners.

3. Pursuant to notice of this Court, respondents entered appearance and filed their statements. Respondent No.3 (Senior Superintendent of Police, Mirpurkhas) in his statement has categorically denied all allegations as false and fabricated. It is stated that on 11.12.2025, during routine patrolling, a white Alto car bearing “applied for number plate” was signaled to stop. Three persons namely Sameer, Shakir and Qadeer alighted from the vehicle but refused to permit search and scuffled with the police party. During the incident, the said persons themselves broke the window glass of the vehicle and thereafter escaped into the nearby jungle. Respondent No.3 further stated that upon inspection of the said vehicle, five bags of *Royal King Gutka* were recovered; where after FIR No.92/2025 under Section 353 PPC and Sections 4/8 SPPMS Act, 2019 was registered at Police Station Old Mirpur against the said accused persons. The accused thereafter obtained pre-arrest bail from the competent Court. Upon completion of investigation, the case file has been forwarded to the District Public Prosecutor for scrutiny as challan. It is also stated that no raid was ever conducted at the house of the petitioners and no harassment has been caused or is intended to be caused. Respondent No.3 has assured that the police are performing their duties strictly in accordance with law and shall not take any illegal action against the petitioners.

4. Learned A.A.G. Sindh adopts the stance of the official respondents and submits that the petitioners are nominated accused in a criminal case and are required to face trial before the competent Court of law. He submits that the plea of harassment is baseless and instant petition is an attempt to frustrate lawful criminal proceedings.

5. Learned counsel for private respondent No.9 submits that respondent No.9 has no concern with the dispute of the petitioners, who have falsely implicated him only to malign his reputation. He prays for dismissal of the petition.

6. I have heard the learned counsel for the parties and perused the material available on record. It is an admitted fact that the petitioners are accused in FIR No.92/2025, in which they have already been granted bail. Investigation has been completed and the matter is now at the scrutiny/challan stage before the competent authorities. The allegations of harassment are general, vague and unsupported by any material evidence. On the contrary, the official respondents have denied such allegations and have assured that no action will be taken against the petitioners except in accordance with law.

7. It is a settled principle of law that where criminal proceedings are already pending before a competent Court of law, Constitutional Jurisdiction cannot be invoked to interfere with or obstruct the due process of law with certain exceptions. The proper remedy available to the petitioners lies before the Trial Court. Under these circumstances, when the petitioners are already before the competent criminal forum, as such, they are required to face the proceedings there in accordance with law.

8. In view of above, this petition is **dismissed**. However, it is observed that the police shall not cause harassment to the petitioners and shall proceed strictly in accordance with law and due process.

JUDGE