

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P. No.D-1791 of 2025
[Mst. Parveen and others v. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Petitioners: Mst. Parveen and another through Ms. Saba and Mr. Zahid Hussain, Advocates.

Respondents: Province of Sindh and other official respondents through Mr.Muhammad Ismail Bhutto, Additional Advocate General Sindh along with SIP Qamaruddin Sahito I.O. of Crime No.124 / 2024 PS Khadhar, ASI Nazeer Ahmed Lashari I.O. of crime No.321/2024 of PS B-Section Nawabshah and on behalf of SSP Shaheed Benazirabad, Inspector Ali Jafar Chang PS Fiaz Ganj and SIP Ghulam Shabbir Umrani PS Bandhi.

Respondents No.9 & 14: Through Mr. Imam Bux, Advocate.

Date of Hearing: 13-11-2025

Date of Judgment: 13-11-2025

JUDGMENT

RIAZAT ALI SAHAR, J: - After hearing the learned counsel and examining the material placed on record, it *prima facie* appears that the petitioners have contracted a lawful freewill marriage, duly supported by a freewill affidavit and further fortified by protection order dated 13-11-2023 issued by the learned Additional Sessions Judge, Khairpur. The grievances raised in the present petition show

that subsequent to such marriage, multiple FIRs have been registered against the husband of Petitioner No.1, as well as the children of Petitioner No.2, which on the face of the record appear to arise out of the same family and matrimonial dispute.

It is also observed that allegations of abduction and robbery have been levelled without proper preliminary inquiry and without examining the voluntariness of the marriage, raising serious concerns regarding misuse of police machinery. The petitioners have also expressed credible apprehension of harassment and threats to their life and liberty.

In these circumstances, and in light of the dictum laid down by the Honourable Supreme Court in Ghulam *Sarwar Zardari v. Piyar Ali alias Pyaro and another (2010 SCMR 624)*, it is now a well-settled principle that the investigative process is not beyond correction or supervisory intervention by a competent court. The Court may issue appropriate directions or pass necessary orders where the aggrieved party alleges and successfully demonstrates the existence of any of the following conditions:—

- “(1) investigation initiated beyond the jurisdiction of Investigating Agencies;*
- (2) investigation initiated with mala fide intention;*
- (i) in bad faith out of personal motives either to hurt the person against whom the action is taken or to benefit oneself.*
- (ii) in colourable exercise of powers;*
- (iii) not authorized by the law under which the action is taken;*
- (iv) action taken in fraud of the law; and*
- (v) abuse of the process of law.”*

It further emerges from the record that the petitioners have also drawn the attention of this Court to FIR bearing No.321 of 2024, registered at Police Station B-Section, Shaheed Benazirabad, under Section 363, PPC, wherein allegations of kidnapping have been

levelled against the petitioner's husband. However, the alleged abductee, namely Mst. Parveen, has categorically denied the allegation of abduction and has consistently maintained that she is *sui juris*, competent to make independent decisions and that no offence under Section 363, PPC, is made out against the accused persons. This denial goes to the root of the prosecution case and warrants a fresh, fair and impartial assessment of the material collected during investigation.

In such circumstances, where the foundational allegation is disputed by the very person claimed to be the victim and where multiple FIRs appear to be the product of family discord rather than actual criminal culpability, the Court cannot remain oblivious to the possibility of misuse of criminal law to exert pressure or to settle personal scores. A just and proper reinvestigation is, therefore, indispensable to ensure that the process of law is not used as an instrument of harassment.

Accordingly, in exercise of constitutional jurisdiction and in order to secure the ends of justice, the Deputy Inspector General (DIG), Shaheed Benazirabad Range, is hereby directed to order reinvestigation of FIR No. 321 of 2024 as well as the other connected FIRs highlighted by the petitioners. The reinvestigation shall be conducted by an officer not below the rank of Deputy Superintendent of Police (DSP) competent and well reputed, who shall personally record the statement of the alleged abductee/key victim, Mst. Parveen, ensuring that her statement is taken freely, voluntarily, and without any external influence.

The concerned DSP shall thereafter submit a detailed investigation report before the learned Judicial Magistrate having jurisdiction, who shall examine the report strictly in accordance with law and either accept or pass appropriate orders thereon in terms of the Criminal Procedure Code and relevant judicial precedents. The Magistrate shall ensure that the legal requirements governing acceptance or otherwise of the police report are meticulously adhered to.

In view of the foregoing discussion and the directions issued hereinabove, no further orders are required to be passed in the present Constitutional Petition. The petition stands **disposed of accordingly**, with a clear mandate to the concerned police authorities to carry out reinvestigation in a fair, transparent and lawful manner and to submit their report before the competent Magistrate, who shall proceed strictly in accordance with law. The respondents are further restrained from causing any harassment to the petitioners and shall ensure protection of their life and liberty as guaranteed under the Constitution.

JUDGE

JUDGE