

# IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No.D-1940 of 2025

[Muhammad Wasif v. Province of Sindh & others]

**Before:**

**Mr. Justice Adnan-ul-Karim Memon**

**Mr. Justice Riazat Ali Sahar**

Petitioner: Muhammad Wasif in person.

Respondents: Through Mr. Rafique Ahmed Dahri, Assistant Advocate General Sindh along-with SIP/SHO Ali Akbar Khokhar PS Moro, Inspector Muhammad Chungal on behalf of SSP Hyderabad, Inspector ACE Moin uddin Laghari, Inspector Ali Muhammad Bajeer, SHO Bhitshah, ASI Madad Ali CIA and ASI Liaquat Ali Jhatial on behalf of SHO PS Naseem Nagar.

Mr. Shahid Ahmed Shaikh, Additional Prosecutor General, Sindh.

Date of hearing: 18.11.2025.

Date of decision: 18.11.2025.

## **J U D G M E N T**

**RIAZAT ALI SAHAR, J:** - Through instant petition, the petitioner has prayed with the following reliefs:-

- (i). Direct the concern authorities to produce the entire criminal record against the petitioner before this Honourable Court.
- (ii). That this Honourable Court may be pleased to direct concern authorities including the respondent No.14 to conduct a fair, impartial and transparent enquiry into the matter at hand against the police officials and respondent Nos.15 to 18 and to pass the order for lodgment of FIR against the responsible and submit a detailed report before this Honourable Court within a stipulated time.
- (iii). Departmental enquiry may also be ordered to be initiated against the respondents No.8 to 13 and 17, 18.
- (iv). Grant legal protection to the petitioner and his family from the hands of respondent No.8 to 13 and 15 to 18.

- (v). Restrict the police officials from lodging all registering any further FIRs against the petitioner at the behest of respondent numbers 15 to 18.
- (vi). Any other relief as deem fit and proper by this Honourable Court.

2. The case of the petitioner is that he is educated person having passed his Master of Philosophy (M.Phil) in Rural Development Agricultural Social Sciences presently working as a Junior Clerk in Sindh Agriculture University Tando Jam. He stated that over the dispute of inheritance with his sister/respondent No.15 Mst. Bibi Maryam, he has been implicated in multiple FIRs at different police stations across the Sindh at the behest of private respondents No.17 & 18 who are performing their duties as APG & ADPP in the prosecution department. The details of FIRs are as under:-

FIR #	Date	Under Sections	Police Station	District	Complainant
221	24.06.2024	452, 506/2 PPC	Naseem Nagar	Hyderabad	Bibi Maryam
67	08.08.2024	489-F PPC	G.O.R.	Hyderabad	Bibi Maryam
570	23.10.2024	512	Moro	Naushero Feroz	Bibi Maryam
108	16.08.2024	9 (IO 3 (b))	Bhitshah	Matyari	Ghulam Mustafa

The petitioner further stated in his petition that due to victimization / harassment of the respondents No.15 to 18, the petitioner's mother also faced mental stress and expired. The petitioner alleged that after attending the hearing in case No.341 of 2025 from the Sessions Court Moro while returning he was stopped by respondent No.11 with officials at Bhitshah at the behest of private respondents No.15 to 18 then brought him at police station CIA Matyari and foisted 500 grams Chars by registering FIR No.108 of 2025. Following such false FIR, wife of petitioner approached the respondent No.2 to 6 and as a result of inquiry the raiding party including the respondent No.11 Ghulam Mustafa Lakho was suspended and FIR/case was disposed of in B-Class and the findings thereof also revealed involvement of respondents No.17 & 18 and such case was disposed of vide order dated 10.10.2025 by the District & Sessions Judge Matyari. According to petitioner, the things not ended here, similarly number of FIRs, criminal miscellaneous applications under the provisions of section 22-A & B Cr.P.C, false complaints before the police authorities so also legal notices sent against the petitioner by the respondents No.15 to 18 details whereof is mentioned in para-9 of the

petition; hence, he invoked the jurisdiction of this Court under article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

**3.** Pursuant to Court notices, the comments have been filed by the official respondents stating therein that there is dispute in between petitioner and private respondents over inheritance. SHO PS Bhitshah collected the CDR of Riaz Sabqi and found him remained in continuous contact with ASI Ghulam Mustafa Lakho, as such, the case registered by said ASI was later disposed of under 'B' Class and as a result thereof, SSP Matiari suspended the delinquent official as reported by respondent No.12. They acted lawfully without prejudice to either party.

**4.** The petitioner in person has contended that the private respondents are using their influence to humiliate the petitioner to implicate in false FIRs to satisfy their grudge. He further contended that his fundamental rights are being infringed badly due to highhandedness on the part of the official respondents who are acting at the behest of private respondents to humiliate and disgraced the petitioner. He also contended police officials are bound to protect the life and respect of citizen under constitution but rather they are involved in facilitating the private respondents to achieve their ill-gains, as such, fair investigation into the matter of lodging false FIR is necessary while inquiry be initiated against the respondents No.8 to 13. The petitioner has contended he has approached this Court for protection against abuse of process and violation of fundamental rights by invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

**5.** Respondent No.17 present in person refuted the allegations leveled in the petition by the petitioner and stated that petitioner party issued bogus cheque for which respondent No.15 lodged FIR, as such, in order to save the skin from that offence, the petitioner has managed this petition, therefore, he prayed for dismissal of instant petition.

**6.** Learned AAG and APG opposed the petition stating that there is dispute between the parties over inheritance. They further contended that as far as criminal proceedings are concerned the trial court may be directed to look into the matter and take decision in accordance with law.

7. Heard Petitioner, learned AAG and learned A.P.G. Sindh as well as respondent No.17 and perused the record.

8. From the perusal of material placed before this Court, it appears to be an admitted position that the dispute between the petitioner and respondent No.15 originates from matters of inheritance, which are purely civil in nature. The record demonstrates that soon after the dispute intensified, a series of FIRs mostly at the instance of respondent No.15 and in close connection with respondents Nos.17 and 18 came to be registered at different police stations across multiple districts. The chronology of events, multiplicity of FIRs, the nature of allegations and the selection of geographically scattered police stations give rise to a reasonable inference that the criminal law was invoked not as a bona fide recourse but as a tool to pressurize the petitioner in the underlying civil dispute. This Court cannot lose sight of the fact that the petitioner, who is an educated person holding a Master of Philosophy (M.Phil) in Rural Development Agricultural Social Sciences and serving as a Junior Clerk in a public sector university, has been consistently dragged into litigation that *prima facie* appears retaliatory, vindictive and disproportionate to the nature of the underlying family dispute.

9. It is also significant that the investigation of FIR No.108 of 2025, which pertained to allegations of narcotics recovery, has already been probed independently, resulting in the case being disposed of under “B” Class. The inquiry findings, suspension of the raiding ASI and material showing the petitioner’s location prior to the alleged incident collectively support the conclusion that the said FIR was manipulated and *mala fide* in origin. This finding casts a serious cloud over the integrity and objectivity of investigations in the remaining FIRs, particularly where similar patterns of conduct and the involvement of respondents Nos.17 & 18 repeatedly surface. While this Court refrains from rendering any conclusive finding on the merits of the other FIRs, the circumstances call for independent, transparent and credible reinvestigation to restore public confidence and ensure that the criminal process is not misused to settle private scores arising from inherited property.

10. In view of the above, we are satisfied that the petitioner has made out a case of harassment, abuse of process and infringement of fundamental rights protected under Articles 4, 9, 14 and 25 of the Constitution. The petitioner cannot be left remediless where the police

mechanism appears to have been used to advance personal motives instead of lawful objectives. This Court is also conscious that criminal proceedings cannot be quashed in constitutional jurisdiction unless *mala fides* are apparent on the face of the record. In the present case, however, the pattern of events, the admitted civil dispute, the findings in FIR No.108/2025, the suspension of police officials, the involvement of prosecution-department respondents and the lack of impartiality in earlier investigations cumulatively justify issuance of directions aimed at ensuring a fair and neutral investigative process.

11. In view of above facts and circumstances of the case, while no interference is warranted with respect to FIR No.108 of 2025, which already stands disposed of under “B” Class by the competent Court, this petition to the extent of remaining FIRs succeeds. Resultantly, all FIRs mentioned in para-2 of this Judgment, except FIR No.108/2025, are hereby ordered to be reinvestigated afresh by an honest, competent and well-reputed police officer not below the rank of DSP, to be nominated by the respective DIGPs Shaheed Benazirabad (for FIR relating to District Naushero Feroz) and DIGP Hyderabad Range (for FIRs relating to District Hyderabad). The nominated officers shall ensure that the reinvestigation is carried out strictly in accordance with law, uninfluenced by any of the parties and that all aspects of *mala fide* implication, misuse of authority and fabrication of evidence, if any, are thoroughly probed. Reliance placed upon the case reported as ***GHULAM SARWAR ZARDARI v. PIYAR ALI alias PIYARO and another*** (2010 SCMR 624).

12. The reinvestigating officers shall conclude the reinvestigation within thirty (30) days from the date of receipt of this order and shall submit their compliance report(s) within forty-five (45) days through the Additional Registrar of this Court. The respective DIGPs shall ensure full administrative support, including provision of all case files, CDRs, investigation diaries and other relevant documents required for conducting a fair and transparent reinvestigation. The respondents shall also refrain from causing any harassment to the petitioner, and no fresh FIR shall be registered against him on the same subject matter.

13. In addition, considering the petitioner’s consistent grievance of harassment and the findings that surfaced during the disposal of FIR No.108/2025 under “B” Class, the **Inspector General of Police, Sindh**

is directed to ensure adequate protection to the petitioner and his family so that no further intimidation is caused to them by any police official or private respondent. The IGP Sindh shall also initiate appropriate departmental proceedings against all police officers found involved in, facilitating, or abetting the registration of false or manipulated FIRs against the petitioner. Such proceedings shall be conducted strictly in accordance with law and compliance shall likewise be submitted through the Additional Registrar of this Court within the stipulated period of forty-five (45) days.

14. With these observations and directions, the present petition is **disposed of** in the above terms along with pending application(s), if any.

**JUDGE**

**JUDGE**

**\*Abdullahchanna/PS\***