

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

C.P. No.D-740 of 2026

[Shayan Ali v. Province of Sindh & others]

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Riazat Ali Sahar

Petitioner : Shayan Ali through Mr. Saad Salman Ghani, Advocate.

Respondents No.1to5 : Province of Sindh through M/s.Rafique Ahmed Dahri, Additional A.G. Sindh and Shawak Rathore, Deputy Prosecutor General, Sindh along with Inspector Naseem Nisar Focal Person, Tando Muhammad Khan, Inspector Ashfaque Ahmed Jahejo I.O. of the case and SIP Rahmatullah Memon SHO PS Moya, District Tando Muhammad Khan.

Respondent No.6 : Abdul Karim through Mr. Haider Ali Maheri, Advocate.

Date of Hearing : 21.05.2026.

Date of Decision : 21.05.2026.

ORDER

RIAZAT ALI SAHAR. J. - The instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 has been filed by the petitioner, seeking protection of his fundamental rights guaranteed under the Constitution, allegedly against the unlawful, *mala fide* and politically motivated actions of the official and private respondents, particularly the illegal registration of a second FIR arising out of the same occurrence, in violation of the settled principles of law laid down by the Honourable Supreme Court of Pakistan.

2. The background of the case the petitioner is presently pursuing his studies, while his family, particularly his father who is a journalist by profession, has consistently raised voice against the illegal narcotics activities allegedly carried out by respondent No.6 and his associates in the area. Due to such opposition, the respondents, being influential persons and allegedly acting in collusion with the local police, developed hostility towards the petitioner's family and started implicating them in false criminal cases. On 10.04.2026, the respondents allegedly attacked the petitioner and his family members at their village, causing injuries, where after FIR bearing Crime No. 22/2026 was lodged at Police Station Moya. Subsequently, as a counterblast and with mala fide intention, respondent No.6 got another FIR bearing Crime No. 23/2026 registered regarding the same incident, date, time and place of occurrence, thereby initiating parallel proceedings contrary to the law declared by the Honourable Supreme Court of Pakistan in the Sughran Bibi Case.

3. Learned counsel for the petitioner, while reiterating the contents of the petition, primarily contended that the impugned FIR bearing Crime No.23/2026 is legally unsustainable, being a second FIR arising out of one and the same occurrence for which FIR bearing Crime No.22/2026 had already been registered at Police Station Moya, District Tando Muhammad Khan. He contended that the registration of multiple FIRs in respect of the same transaction is hit by the settled principle of law laid down by the Honourable Supreme Court of Pakistan in the case of Mst. SUGHRAN BIBI v. The STATE [PLD 2018 Supreme Court 595], wherein it has categorically been held that a subsequent version relating to the same incident can only be brought on record through statements under Section 161 Cr.P.C. or by way of further investigation and not through registration of a fresh FIR. Learned counsel further contended that the impugned FIR has been lodged with *mala fide*, merely as a counterblast to the

earlier FIR lodged by the petitioner's side, with the sole object to harass, intimidate and pressurize the petitioner and his family members.

4. Conversely, learned A.A.G. Sindh, learned D.P.G. Sindh and learned counsel appearing on behalf of respondent No.6 opposed the petition and contended that both FIRs relate to different places of occurrence and, therefore, cannot be treated as arising out of the same incident; that the question whether both occurrences constitute one and the same transaction or separate incidents is essentially a disputed question of fact which requires proper appreciation of evidence by the trial Court and cannot conclusively be determined in constitutional jurisdiction.

5. We have heard learned counsel for the parties and have perused the material available on record with their able assistance.

6. It appears from record that both FIRs bearing Crime No.22/2026 and Crime No.23/2026 were registered at Police Station Moya, District Tando Muhammad Khan. Although the petitioner has asserted that the impugned FIR is a second FIR arising out of the same occurrence, the record reflects that the **places of incident disclosed in both FIRs are different**, thereby giving rise to disputed questions of fact requiring deeper factual inquiry and appreciation of evidence. Furthermore, the investigation in both matters has already been concluded and final reports under Section 173 Cr.P.C. (challan) have been prepared by the SHO concerned for submission before the competent Court and the learned Magistrate is competent to pass appropriate order thereon.

7. It is a settled principle of law that constitutional jurisdiction under Article 199 of the Constitution is extraordinary and discretionary in nature, which ordinarily is not exercised where disputed factual controversies are

involved, particularly when the criminal law has already been set into motion and the matter is pending before the competent trial Court. At this stage, no exceptional circumstance, patent illegality, or jurisdictional defect has been pointed out warranting interference by this Court in exercise of constitutional jurisdiction.

8. For what has been discussed above, the instant Constitutional Petition being devoid of merit is hereby **dismissed** along with pending applications, if any.

JUDGE

JUDGE

Abdullah Channa/PS