

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 5419 of 2026
(Zulfiqar Ali Gugo Rajput & others versus Inspector Gneral of Police & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 31.8.2026

Mr. Muhammad Yousif Narejo, Advocate for the Petitioners.
M/s. Abid Hussain Chang and Fiza Hakim Ali Advocates for Respondent No.5,
Mr. Faheem Hussain, DPG. a/w DSP Sajid Ghaffar, Inspector Abdul Majeed of
P.S. Sajawal and SIP Manzoor Ahmed of P.S. Darro.

ORDER

Adnan-ul-Karim Memon, J. The Petitioners have filed the present Constitutional Petition under Article 199 of the Constitution seeking quashment of FIR No.81/2026 registered at Police Station Daro, District Sujawal, under Sections 506(ii), 114, 147, 148, 149, 337-H(2) and 504 PPC. They assert that they are law-abiding citizens and that the FIR is false, fabricated and motivated by an existing dispute concerning possession and cultivation of agricultural land belonging to Mir Ghulam Ali Talpur.

2. According to the FIR, the complainant, who claims to be cultivating the said land, alleged that on 15/16.08.2026 at about 9:30 p.m., he and two companions went to the land for watering crops, where the Petitioners and other armed persons allegedly arrived, abused them, made threats to kill them and resorted to aerial firing before leaving the place. The complainant stated that he informed Mir Ghulam Ali Talpur and approached the police only after the latter returned, resulting in registration of the FIR.

3. The Petitioners counsel contend that the allegations are mala fide and have been engineered to harass and pressurize them in connection with the land dispute. He submitted that petitioners deny their presence at the place of occurrence and maintain that they have lawful possession of the agricultural land, supported by the relevant revenue record. He further asserts that Mir Ghulam Ali Talpur is an interested person having a direct dispute with them and that the complainant, being his cultivator, has been used to give a criminal colour to a private land dispute. It is further contended that the FIR was lodged after an unexplained delay of about six days despite the complainant allegedly having immediately informed his landlord. It is added that such delay and prior consultation, according to the Petitioners, cast serious doubt upon the spontaneity and credibility of the prosecution version. The allegations are also stated to be general and omnibus, involving several unidentified

persons without assigning any specific or independent role to the Petitioners. He argued that the alleged firing is further challenged on the ground that no person sustained any firearm injury, no specific target or damage was identified, and no contemporaneous material such as medical evidence, recovery of empties, inspection report or independent witnesses has been cited. The Petitioners counsel, therefore contends that all offences are non-cognizable, hence, only Section 506(ii) PPC is cognizable offence which is not attracted in the present case. He added that the essential ingredients of the offences relating to unlawful assembly, common object, criminal intimidation and hurt are not disclosed against them. The Petitioners' counsel maintain that the FIR is an abuse of the criminal process, intended to settle a private property dispute and exert unlawful pressure upon them. He submits that continuation of the criminal proceedings, despite the disputed presence of the Petitioners and absence of supporting material, would cause harassment and prejudice and would amount to misuse of the process of law. He therefore invokes the constitutional jurisdiction of this Court for protection of their fundamental and legal rights. Accordingly, the Petitioners seek quashment of FIR No.81/2026 and all consequential proceedings, including any interim or final challan, to the extent of the Petitioners.

4. Counsel for the private respondents denied the allegations and prayed for dismissal of the petition. Learned AAG is of the same view.

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

6. The allegations contained in the FIR, if taken at their face value, prima facie disclose cognizable offences and needs to be looked into by the I.O of the case. However, the same are disputed questions of fact regarding the occurrence, presence and respective roles of the Petitioners, which cannot appropriately be determined in constitutional jurisdiction under Article 199 of the Constitution and it is for the I.O to look into the matter.

7. The defence plea that the Petitioners are in lawful possession of the agricultural land, that the FIR has been lodged at the instance of an interested person, or that the occurrence has been falsely introduced to settle a civil dispute, requires appreciation of evidence and examination of the revenue and other relevant record, matters which fall within the domain of the Investigating Officer and, ultimately, the trial Court.

8. The alleged delay in registration of the FIR, absence of firearm injury, non-recovery of empties, or the alleged lack of independent witnesses may constitute matters relevant to the credibility and evidentiary value of the prosecution case; however, at this preliminary stage, such matters by themselves do not justify

quashing of the FIR when the allegations are required to be proved by the I.O of the case, who is present in Court.

9. Likewise, the fact that a dispute concerning possession or cultivation of the land exists between the parties does not, by itself, render the criminal proceedings unlawful if the allegations also disclose an independent criminal occurrence, which is subject to final say by the I.O of the case.

10. It is a settled principle that investigation of a criminal case is primarily the statutory function of the police, and the constitutional jurisdiction of this Court is to be exercised sparingly where the FIR, on its face, discloses no offence, or where continuation of proceedings is manifestly without jurisdiction or constitutes a clear abuse of the process of law. The present case does not fall within such exceptional circumstances. Since the investigation is still in progress, the truthfulness of the allegations, the actual presence of the Petitioners, their individual roles, the alleged firing, and the surrounding circumstances are matters to be determined through lawful investigation by the I.O and, if necessary, by the competent trial Court on the basis of evidence/investigation report.

11. Accordingly, no sufficient ground is made out at this stage for restraining the Investigating Officer from completing the investigation. The Investigating Officer, however, is required to conduct the investigation fairly, impartially and strictly in accordance with law, without being influenced by the allegations contained in the FIR or by the defence version of the Petitioners. He shall provide due opportunity to the relevant witnesses to appear and have their statements recorded under Section 161 Cr.P.C., collect and examine the available documentary, medical, forensic, revenue and other relevant evidence, and thereafter submit the appropriate report under Section 173 Cr.P.C. before the competent Magistrate within the prescribed period. The Investigating Officer shall also consider the material favourable to the Petitioners and shall not mechanically proceed on the basis of the complainant's version alone. The concerned Magistrate shall thereafter independently examine the report submitted under Section 173 Cr.P.C. and pass an appropriate order strictly in accordance with law. Meanwhile, no harassment shall be caused to either parties.

12. Consequently, the constitutional petition, along with the pending application(s), stands disposed of in the above terms.

JUDGE

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