

ORDER SHEET
HIGH COURT OF SINDH, BENCH AT SUKKUR
Constitution Petition No.D-1986 of 2025

PRESENT:
Mr. Justice Zulfiqar Ali Sangi,
Mr. Justice Arbab Ali Hakro,

Fresh case.

1. For orders on CMA No.8354 /2025.
2. For orders on office objection.
3. For orders on CMA No.7789/2025.
4. For hearing of main case.

Petitioner : Muhammad Hamza Muneer,
through Mr. Abdul Wahid Bughio
Advocate

Respondents : Federation of Pakistan & others,

Date of hearing
& decision : **17.12.2025.**

ORDER

ARBAB ALI HAKRO, J.- The Petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking restraint against the officials of the Federal Investigation Agency (FIA), Sukkur Circle, from issuing repeated notices under Section 160, Cr.P.C, and to quash the inquiry registered against him.

2. The factual substratum, as narrated in the petition, is that the Petitioner travelled to Dubai on a valid employment visa, subsequently proceeded to Cambodia upon assurances of legitimate employment, but was coerced into unlawful scamming operations. He claims to have escaped, obtained an emergency passport from the Embassy of Pakistan in Phnom Penh, and returned to Karachi. Upon arrival, the Petitioner was detained by the FIA for 9 hours and later released without any incriminating material. Thereafter, multiple notices under Section 160, Cr.P.C., were issued by FIA

Sukkur Circle requiring his attendance in connection with an inquiry into allegations of deportation from Cambodia on suspicion of involvement in scamming companies. The Petitioner asserts that he has already recorded his statement, produced documents, and cooperated fully. He alleges malafide, harassment, and violation of fundamental rights under the Constitution.

3. Heard the learned counsel for the Petitioner as well as perused the material available on record. The question before this Court is whether the repeated issuance of notices under Section 160, Cr.P.C. constitutes harassment and whether such notices are amenable to constitutional jurisdiction under Article 199.

4. It is a trite law that ordinarily notices issued under Section 160, Cr.P.C. cannot be challenged through a constitutional petition. The settled principle is that such notices become amenable to writ jurisdiction only when they are patently illegal, malafide, or *coram non judice*.

5. In the present case, the notices have been issued in connection with a registered inquiry. The Petitioner is admittedly acquainted with the circumstances of deportation from Cambodia. The FIA, being the statutory authority under the FIA Act, 1974, is empowered to conduct such inquiries. No malafide or patent illegality is apparent on the face of the record.

6. The Petitioner's grievance is essentially apprehensive in nature. He fears harassment and future misuse of authority. However, no coercive action has been taken against him. He has not been arrested, prosecuted, or subjected to custodial torture. His liberty remains intact.

7. At this stage, the doctrine of ripeness squarely applies. In **Sabira Khatoon v. Government of the Punjab and others [2021 PLC (C.S.) 1600]**, it was explained that ripeness is a prudential limitation upon jurisdiction, founded on the principle that judicial machinery should be conserved and that courts should involve themselves only in problems that are real and present, or imminent. Courts may not decide cases involving

uncertain or contingent future events that may not occur as anticipated or at all.

8. The Petitioner's grievance is premature. The notices under Section 160, Cr.P.C. merely require attendance to record statements. The apprehension of harassment or future misuse of authority is speculative and contingent. This Court cannot exhaust itself in deciding abstract questions that have no immediate impact on the parties.

9. It is a settled proposition that constitutional jurisdiction is not to be exercised in a vacuum. The Petitioner must demonstrate a real and present violation of fundamental rights. Mere issuance of notices under Section 160, Cr.P.C., without any coercive action, does not constitute such a violation.

10. In view of the foregoing, we are of the considered view that the petition suffers from a lack of ripeness and is premature and not amenable to adjudication under Article 199 of the Constitution. Accordingly, the same is **dismissed** in *limine* along with the listed applications.

Judge

Judge