THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

BEFORE:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Const. Petition No. D-956 of 2026

[Abdul Majeed Mazari Vs. Province of Sindh & others]

Petitioner	**:**	Through Mr. Ayaz Ahmed Faras, Advocates
Respondents	**:**	Through Mr. Saeed Akbar Siyal, Assistant Advocate General, Sindh Khadim Ali, District Food Controller, Kashmore @ Kandhkot Safdar Ali Kalwar, Mukhtiarkar, Kashmore
Date of Hearing	**:**	**18-11-2026**
Date of Order	**:**	**18-11-2026**

O R D E R

ARBAB ALI HAKRO, J.- Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks quashment of FIR No.39 of 2026, registered at Police Station Miani @ Badani, District Kashmore @ Kandhkot, for offences under Sections 380, 457, 461, 409, 411, 34 and 149 P.P.C. (**the impugned FIR**). He further prays that the impugned FIR be treated as a statement under Section 161 Cr.P.C. in FIR No.98 of 2026 of Police Station Guddu (**the earlier FIR**) and that the respondents be restrained from causing hindrance in his business and from lodging any further FIR against him or his family members without the permission of this Court.

2. The earlier FIR was lodged on 30.10.2026 by Nek Muhammad, Food Inspector, PRC Kashmore, under Sections 380 and 188 P.P.C. It alleges that at about 03:00 p.m. that day, ten tractor-trolleys laden with wheat, being shifted from an unknown place towards Mureed Shakh, were stopped near 17 RD, Indus Highway; the drivers fled, and the petitioner, amongst others, was named. That FIR is the subject of C.P. No. D-933 of 2026. The impugned FIR was lodged on 05.11.2026 by respondent No.12, the District Food Controller, Kashmore @ Kandhkot. He alleges that on 30.10.2026 at

about 09:00 a.m., the petitioner and twelve others broke the locks of the wheat godowns at Badani, which he had sealed, and carried away the sealed wheat on tractor-trolleys. The petitioner is on pre-arrest bail.

3. Learned counsel for the petitioner contends that the impugned FIR is a second FIR in respect of the same occurrence, lodged after C.P. No. D-933 of 2026 was admitted, with an unexplained delay of six days, solely to harass the petitioner; that the Food Department, through its letter dated 31.08.2026, has placed no restriction on the movement of wheat within the Province; and that the impugned FIR cannot stand in view of the law declared in ***Sughran Bibi***. He has placed on record copies of purchase bills issued by PRC Kashmore and has relied upon ***Liaqat Ali***.

4. Learned A.A.G. opposes the petition. Respondent No.5, in his comments, denies any illegality on the part of the district administration, while Respondent No.8 states that the SHO and the investigating officers in both cases have been directed to proceed in accordance with the law. A further statement of Respondent No.12, dated 18.11.2026, recorded by the investigating officer of the impugned FIR, has also been placed on record.

5. We have heard the learned counsel and the learned A.A.G. and have perused the record.

6. The power of this Court to quash an FIR under Article 199 of the Constitution is exercised only in exceptional cases: where the facts stated do not constitute any offence, where its registration reflects misuse of authority, or where it is registered without authority or in clear violation of law. Where the FIR makes out a prima facie case, the Court must refrain.[1] Nor can this Court, in this jurisdiction, resolve disputed questions of fact or assume the role of the investigating agency or of the trial Court.[2]

7. Tested against that touchstone, the impugned FIR does not call for quashment. It alleges, in plain terms, that the locks on sealed godowns were broken and the sealed wheat removed. Those allegations disclose cognizable offences. Whether they are true, whether the delay is explained, whether the FIR is actuated by mala fides, and whether the wheat was lawfully

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[1] *Ayesha Tayyab v. Station House Officer, Police Station Cantt., District Sialkot* 2025 SCMR 1117.
[2] *The State through Prosecutor General Punjab, Lahore v. Chaudhry Mohammad Khan* PLD 2025 SC 254.

purchased are all questions of fact. The purchase bills produced by the petitioner are in the names of other persons and bear dates prior to the occurrence; what they prove, if anything, is for the investigation to determine. The letter dated 31.08.2026 concerns the movement of wheat; it says nothing about the removal of stock placed under seal. Likewise, whether each of the sections invoked is attracted is for the investigating officer, the Magistrate, and ultimately the trial Court to examine; it is no ground to quash an FIR which otherwise discloses cognisable offences. ***Liaqat Ali*** does not advance the petitioner's case. There, the Supreme Court found a purely civil dispute and quashed the FIR in exercise of its own power under Article 187 of the Constitution[3], a power this Court does not possess, and the allegation here is not of a civil nature.

8. The plea in the second FIR stands on a different footing. The law is settled that once an FIR is registered, the case retains that number until final decision; any further version of the same incident is to be recorded under Section 161 Cr.P.C. in the same case, and no separate FIR is to be registered for it. The report under Section 173 Cr.P.C. must rest on the facts actually found.[4] Here, both FIRs relate to the same date and to wheat carried on tractor-trolleys, and several accused are common to both. The earlier FIR describes the wheat as coming from an unknown place and invokes Section 380 P.P.C.; the impugned FIR names the godowns at Badani as its source. Whether the wheat said to have been taken from those godowns is the very wheat stopped at 17 RD, and therefore whether the impugned FIR is no more than another version of the same occurrence, is a question of fact. Neither the comments nor the record answer it. It must be determined by the investigating agency on the material it collects, not by this Court on the pleadings. Once it is determined, the law declared in ***Sughran Bibi*** will govern. We may add that even where two FIRs of connected acts survive, Sections 235 and 239 Cr.P.C. provide for a joint trial of offences forming the same transaction.[5]

9. The remaining prayers cannot be granted. Registration of an FIR on information disclosing a cognizable offence is a statutory duty under Section

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[3] *Liaqat Ali v. The State through P.G. Punjab* 2026 SCMR 1379.
[4] *Mst. Sughran Bibi v. The State* PLD 2018 SC 595.
[5] *Maham Fatima v. The State* 2026 SCMR 1647.

154 Cr.P.C., and courts are not to intervene in advance to stay it.[6] A blanket direction that no FIR be registered against the petitioner or his family members without the permission of this Court would run counter to that duty and would also affect persons who are not before us. The petitioner's grievance about his business is addressed by a direction that the official respondents act in accordance with law.

10. This petition is, therefore, **disposed of** in the following terms:

(i) The prayer for quashment of the impugned FIR is declined.

(ii) The SSP Kashmore @ Kandhkot shall ensure that the investigating officers of the earlier FIR and the impugned FIR, on the basis of the sealing record and inventory of the Badani godowns, the receipt and weighment of the wheat taken into custody on 30.10.2026, and the statements and documents on record, examine whether both FIRs relate to the same occurrence and the same wheat. This exercise shall be completed within thirty (30) days.

(iii) If they do, the version contained in the impugned FIR shall be investigated in the earlier FIR under Section 161 Cr.P.C., and an appropriate report under Section 173 Cr.P.C. in the impugned FIR shall be submitted before the competent Magistrate. If they do not, the investigation of both shall proceed in accordance with law.

(iv) The Magistrate shall pass an independent order on the report in accordance with the law.

(v) The petitioner shall join the investigation. Nothing herein shall affect the bail granted to him.

(vi) The official respondents shall act strictly in accordance with the law and shall not impede the petitioner's lawful business. The prayer for restraint on the registration of any further FIR is declined.

11. The observations made herein are tentative and confined to the decision on this petition. They shall not prejudice the investigation, the Magistrate or the trial Court. Pending application(s) stand disposed of.

JUDGE

JUDGE

Zulfiqar

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[6] *Chaudhry Mohammad Khan* (n.2 above).