

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No. 5-640 of 2022

[Muhammad Ramzan versus Province of Sindh & Ors]

Mr. Bharat Kumar Suthar advocate a/w petitioner

Mr. Allah Bachayo Soomro, Additional A.G Sindh a/w ASI
Prem of PS Kalo

Respondent No.5 Sajjad Ahmed Ansari Mukhtiarkar is
present in person

Date of hearing and order : **19.09.2022**

ORDER

ADNAN-UL-KARIM MEMON, J- Through the present petition, the petitioner seeks protection against the alleged harassment caused by the respondent Mukhtiarkar Taluka Kalo namely Sajjad Ahmed Ansari, inter-alia on the ground that he is a social activist and always keeps sharp eyes over the basic issues of society; that due to recent flood disaster the petitioner raised hue and cry against the failure of district administration, which annoyed the district administration, hence they started harassing the petitioner and his family members by various tactics.

2. Mr. Bharat Kumar Suthar learned counsel for petitioner has submitted that on 27.08.2022, the petitioner was arrested by the police of Police Station Kalo at the behest of Mukhtiarkar Taluka Kalo and was confined at some unknown place, where he was severally tortured and threatened that if he again raised any voice on flood issues, he will be booked in false cases; thereafter, when the news about his arrest was highlighted on social as well as print media, then he was released by respondents 4 & 5. He further argued that so far as police action is concerned, in principle the Police is under legal duty and have a legitimate right to lodge a case if cognizable offense is committed within their jurisdiction; however, the arrest could only be made, if there is concrete evidence against the accused in terms of recent amendment brought in the Police Act by the Provincial Sindh Assembly. He prayed that the petitioner and his family may be provided legal protection from the highhandedness of respondent No.5.

3. On the other hand respondent No.5, present in person, submits that the petitioner always tried to create hindrance in the smooth functioning of official work, and on 26.08.2022 when Deputy Commissioner and he along with other staff were visiting certain flood affected areas, the petitioner came in front of their official vehicles and stopped them and then started using abusive language against district administration as well as politicians while recording such video in his mobile phone, as such FIR bearing No.25 of 2022 to that effect has been got registered against him at PS Kalo.

4. Confronting the above position, the petitioner, who is also present in court submits that the above false FIR has been registered due to the reasons that the petitioner always raises his voice of concern against the corrupt mafia. He added that earlier certain false FIRs were also registered against the petitioner, in which he has been acquitted by the competent courts of law. He submits that he has not used any abusive language rather respondent No.5 (Sajjad Ahmed Ansari) has abused him and also issued threats on the phone call, for which he has recorded; besides he also committed cognizable offense, which needs to be looked into by the competent authority including the conduct of public servant in such state of affairs.

5. I have heard the parties on the issue of harassment and perused the record with their assistance.

6. Prima-facie, there are allegations and counter allegations of the parties against each other, therefore, irrespective of the merits of Crime No.25 of 2022 registered at PS Kaloi, which is to be decided by the competent Court of law on its own merits. The Senior Member Board of Revenue is directed to look into the conduct of public servant dealing with the public, at his end under the law, so far as the allegations leveled against Mukhtiarkar Taluka Kaloi is concerned, after providing meaningful hearing to the parties and submit a report to this Court through the Additional Registrar of this court within one month.

7. Before parting with this order, so far as police action is concerned, in principle the Police is under legal duty and has a legitimate right to lodge a case if cognizable offense is committed within their jurisdiction; however, the arrest could only be made, if there is concrete evidence against the accused in terms of recent amendment brought in the Police Act by the Provincial Sindh Assembly.

8. Accordingly, DIGP Shaheed Benazirabad is directed to look into the allegations leveled by the petitioner against the District Police Administration; and submit a report to the concerned Magistrate in the aforesaid case within two weeks. However, during inquiry/probe both the parties may be allowed the opportunity of hearing, which includes but is not limited to production of evidence by either party, if any. However, it is made clear that police officials shall be neutral if there arises any dispute between the private parties within their local limits; and shall act under the law and no harassment shall be caused to either party.

9. Petition stands disposed of in the above terms.

JUDGE