

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

C.P. No. §- 559 of 2020

Dost Ali v. Province of Sindh and others

C.P. No. §- 13 of 2021

Chatro v. Province of Sindh and others

C.P. No. §- 18 of 2021

Deen Muhammad and others v. Province of Sindh and others

C.P. No. §- 136 of 2021

Mahesh Kumar and another v. Province of Sindh and others

C.P. No. §- 187 of 2021

Ali Asghar Arain v. Province of Sindh and others

C.P. No. §- 191 of 2021

Abdul Mutalib v. Province of Sindh and others

C.P. No. §- 201 of 2021

Muhammad Haneef v. Province of Sindh and others

C.P. No. §- 542 of 2021

Bekho Mal v. Province of Sindh and others

C.P. No. §- 112 of 2022

Shrt. Rekha v. Province of Sindh and others

C.P. No. §- 346 of 2022

Dur Muhammad v. Province of Sindh and others

C.P. No. §- 350 of 2022

Shahnawaz Chandio v. Province of Sindh and others

C.P. No. §- 393 of 2022

Kamran Ali v. ADJ Sehwan and others

C.P. No. §- 395 of 2022

Wazeer Ali v. Province of Sindh and others

C.P. No. §- 453 of 2022

Syed Muhammad Usama v. Province of Sindh and others

C.P. No. §- 465 of 2022

Musawar Ali v. Province of Sindh and others

C.P. No. §- 492 of 2022

Abdul Jabbar v. Province of Sindh and others

M/s. Ashfaq Ali Khaskheli, Muhammad Sulleman Unar, Mashooq Ali
Mahar, Advocate for Petitioner(s)

M/s. Ishaque Qureshi, Islamuddin Rahimoon, Advocate for respondents

Mr. Nazar Muhammad Memon, A.P.G.

Mr. Allah Bachayo Soomro, Addl.A.G. along with SIP Gulsher SHO PS Tando Jam, Munawar Hussain Rajar, HC Sodho Khan Mahar & Constable Abdul Majeed Mahar PS Naoabad district Sanghar, Insp. Jawed for DIGP Hyderabad, ASI Muhammad Hassan for SHO Nooriabad, Insp. Maqsood Ahmed Channa, SHO PS A-Section Nawabshah, SIP Darban Ali Gpang, SIP Ghulam Murtaza Pathan, Addl. SHO PS Umerkot City, SHO Tando Bago for SSP Badin, SIP Muhammad Ahmed Ex. SHO PS Tando Bago,

Date of hearing
and decision : **02.09.2022**

ORDER

ADNAN-UL-KARIM MEMON, J. In the aforesaid cases, a common question of law is involved; therefore, the same are being taken up together and disposed of accordingly.

2. Through listed bunch of petitions, the petitioners have raised several issues / disputes i.e. matrimonial dispute, recovery of detenues, lodging of false FIRs, action against police officials for misusing their powers, abduction, financial obligations, interference in private business, police aid, revenue issues, conversion and other ancillary matters; therefore, they prayed for directions like mandamus directing the official as well as private respondents not to interfere in their peaceful life and further they claim that they are being threatened and harassed by the police officials, in some of the cases at the behest of private respondents on account of various reasons as disclosed in the memo of their respective petitions.

3. I have heard learned counsel for some of the petitioners present in court as well as learned AAG on the subject issues.

4. Primarily, the dispute has been alleged between private parties concerning obligations arising out of contracts or breach of legal or moral duties including harassment at the hands of officials and other departments of the Government of Sindh including private parties as discussed in the preceding paragraphs; and in this background, it has been alleged that the private parties are at fault and harassing the petitioners either themselves and/or with the help of police; and /or other government officials, and instead of taking action against the wrongdoers, the police is supporting them.

5. I have noticed that some of the petitioners are not in attendance; and, as per learned counsel present in court; due to alleged harassment caused by the respondents/ police officials who in connivance with the private respondents are causing harassment to them. Be that as it may, since they simply seek protection against the police officials, who are allegedly extending serious threats of life to the petitioners in some of the cases, at the behest of private respondents; in this regard, learned AAG has candidly agreed that no harassment shall be caused to the petitioners; because of such

statement, the petitioners are being treated as aggrieved persons within the ambit of Article 199 of the Constitution of Islamic Republic of Pakistan. However, the other grievances of the petitioners could be taken care of in terms of the ratio of the judgment dated 30.05.2018 passed by the learned Division Bench of Sukkur Bench, Sukkur, in CP No.D-2149/2018 and subsequent order dated 12.12.2019 passed in CP No.D-259/2011 at Circuit Court, Hyderabad, as the same remedy is also available before the competent forum, which remedy needs to be not only availed but also exhausted.

6. Before parting with this order, so far as police action is concerned, in principle the Police are under legal duty and have a legitimate right to lodge a case if a 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 the recent amendment brought in the Police Act by the Provincial Sindh Assembly.

7. Since, learned Additional. A.G. has categorically stated that no harassment shall be caused to the petitioners in each case; and, the police officials shall act strictly under law, learned counsel for the petitioners present in the Court seeks disposal of the aforesaid cases in terms of the statement of learned AAG. Prima facie, the statement of learned Addl. A.G is tenable and these petitions are liable to be disposed of in terms of the above consensus arrived between the parties; however, it is made clear that if there is any private dispute between the parties, the same shall be dealt with by the competent court of law / forum and this Court will not travel into that dispute and leave it for the competent forum to redress the same if approached by the aggrieved party under the law within a reasonable time. As far as the police related issues are concerned, the Senior Superintendent concerned has to see the matter and take prompt action under the law, if an aggrieved party approaches them.

8. In view of the above, these petitions are disposed of with the understanding that the police officials shall be neutral if there arises any dispute between the private parties and shall act under the law and no harassment shall be caused to either party.

JUDGE