

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**

CP No.D-1853 of 2023

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Date	Order with signature of Judge
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1. For orders on CMA No.9101/2023.
2. For orders on CMA No.9102/2023.
3. For orders on CMA No.9103/2023.
4. For hearing of main case.

**12.04.2023**

Dr. Shahab Imam, advocate for the petitioner.

1. Granted. 2. Granted, subject to all just exceptions. 3 & 4. The petitioner essentially seeks an order against the Customs authorities restraining them from registering a first information report. Vide an interim application<sup>1</sup>, orders are also sought to quash the FIR, which *admittedly* has not been registered yet.

At the very onset, learned counsel was confronted with respect to the maintainability hereof; however, he failed to articulate any cogent justification with regards to how a petition was maintainable seeking a restraint upon performance of public duties by a department, albeit merely apprehended at the moment, and / or interfering / staying proceedings in a criminal matter<sup>2</sup>.

The petition appears to be *prima facie* misconceived in view of the foregoing. Even if an FIR was registered, statutory remedial recourse is available to the petitioner and no case is made out to sanction the direct recourse of the petitioner preferring proceedings before the civil tax bench of this Court.<sup>3</sup>

Therefore, it is our considered view that no case has been set forth before us to merit the invocation of the discretionary<sup>4</sup> writ jurisdiction of this Court in such regard; hence, this petition and listed application are hereby dismissed in *limine*.

JUDGE

JUDGE

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<sup>1</sup> CMA 9103 of 2023.

<sup>2</sup> Sections 56(d) and (e) of the Specific Relief Act 1877.

<sup>3</sup> Per *Hamoodur Rehman J.* in *Ghulam Muhammad vs. Muzammal Khan & Others* reported as *PLD 1967 Supreme Court 317*; Per *Aslam Riaz Hussain J.* in *Abdul Rehman Bajwa vs. Sultan & Others* reported as *PLD 1981 SC 522*; Per *Muhammad Afzal Zullah J.* in *Abdul Aleem vs. Special Judge (Customs) Lahore & Others & Others* reported as *1982 SCMR 522*; *A Habib Ahmed vs. MKG Scott Christian & Others* reported as *PLD 1992 Supreme Court 353*; Per *Chaudhry Ijaz Ahmed J.* in *Haji Sardar Khalid Saleem vs. Muhammad Ashraf & Others* reported as *2006 SCMR 1192*.

<sup>4</sup> Per *Ijaz Ul Ahsan J.* in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as *2021 SCMR 425*; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as *2010 SCMR 105*.