

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Constitution Petition No.S-689 of 2023**

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Date

Order with signature of Judge

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For order on office objection.  
For hearing of CMA No. 5040/2023  
For hearing of case.

**28.11.2023**

Mr. Muhammad Yousif Narejo, advocate for the petitioner.  
Mr. Amanullah Kakar, advocate for respondents Nos. 5 & 7.  
Mr. Shahnawaz Khan, advocate for respondents No. 6 & 10.  
Mr. Abrar ali Kitchi, Addl. PG  
Mr. Sharafdin Jamali, Add. A.G Sindh along with SHO/PI Babar Hameed,  
Hyderi Market Police Station Karachi.

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The grievance of the petitioner is that official respondents in connivance with private respondents are harassing him and interfering in his peaceful business and daily life pursuits, without lawful justification, he has filed the instant constitutional petition against the highhandedness of official respondents who are in league with private respondents, even they indulge displaying and carrying prohibited unlicensed weapons and causing harassment to the petitioner and his security guards.

Mr. Yousif Narejo learned counsel for the petitioner has submitted that the main objectives of police are to apprehend offenders, investigate crimes, and prosecute them before the courts also to prevent the commission of the crime, and above all ensure law and order to protect citizens' life and property; that law enjoins the police to be scrupulously fair to the offender and the Magistracy is to ensure a fair investigation and fair trial for an offender. Unfortunately, these objectives have remained unfulfilled. Aberrations of police officers and police excesses in dealing with the law and order situation have been the subject of adverse comments from this Court as well as from other courts but they have failed to have any corrective effect on it; that police has the power to arrest a person even without obtaining a warrant of arrest from a court. Per learned counsel, the plenty of this power casts an obligation on the police and it must bear in mind, as held by this Court that if a person is arrested for a crime, his constitutional and fundamental rights must not be violated. Learned counsel emphasized that the Police Officers are required to protect and not abduct. However, in the present case, they transgressed their power and authority and caused unnecessary harassment to the petitioner and his security guards without rhyme and reason. He prayed for direction to the competent authority to take action against the police

officials as well as private respondents under the law in terms of the prayer clauses.

Mr. Shahnawaz Khan, advocate for respondents No. 6 & 10 has contended that the petitioner has not approached this Court with clean hands as he has initiated litigation in several different courts against the respondents. He next contended that the petitioner is the owner of the property Plot No. E-66, Block F, North Nizimabad Karachi is false as the father of the petitioner had gifted the same property to the other two brothers of the petitioner namely Muhammad Nasir and Muhammad Nazim in the lifetime of the petitioner's father's life. He added that there is a civil dispute between the parties as such no case for harassment of the petitioner is made out. He lastly prayed for the dismissal of the instant petition.

Learned Addl. P.G. and learned Addl. A.G. assisted by the police officials present in Court submits that no harassment shall be caused to the petitioner. His statement is tenable and this petition is liable to be disposed of in terms of the statement of learned AAG; As far as police harassment issues are concerned, the concerned SHO has to see the matter at his end; and, ensure that he will provide swift justice to the parties, without discrimination. However, it is made clear this Court will not travel into civil dispute if any pending before the competent Court of law and confined to the extent of the issue of harassment only.

After arguing the matter at some length, both parties have agreed to the disposal of the instant petition on the premise that the SHO concerned will hear the petitioner as well as private respondents and will take care of all the aspects of the case and ensure that no harassment shall be caused to both the parties. The proposal seems to be reasonable and acceded to. In the meantime police shall remain neutral in the private dispute between the parties, however, if any of the individuals is indulged in criminal activity the police shall take prompt action against them under law.

The instant petition is disposed of in the above terms.

**J U D G E**