

Judgment Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Justice Mrs. Kausar Sultana Hussain
Mr. Justice Jawad Akbar Sarwana

Constitution Petition No. D – 3663 of 2024

Muhammad Ahmer Rafiq v. Federation of Pakistan & Others

Petitioner : Mr. Muhammad Ahmer Rafiq s/o
Muhammad Rafiq, through Mr Qurban
Ali, Advocate

Respondent No.1 : The Federation of Pakistan through
Secretary Ministry of Interior, Islamabad

Respondent No.2 : The Provincial Government of Sindh
through Chief Secretary Sindh

Respondent No.3 : Inspector General of Police

Respondent No.4 : The Station House Officer, P.S. Boat
Basson, Karachi

Nemo for Respondent Nos.1 to 4

Date of Hearing : 31.07.2024

Date of Judgment : 31.07.2024

Date of Reasons : 07.08.2024

J U D G M E N T

Jawad Akbar Sarwana, J.: On 29.07.2024, the petitioner, Mr Muhammad Ahmar Rafi, filed this petition claiming that his spouse had been missing since 27.07.2024. On the very same date of her disappearance, the petitioner promptly submitted information to the SHO P.S. Boat Basin that his spouse had gone missing along with Rs. 60,000 in cash and some jewellery. Instead of pursuing the matter with law enforcement and/or approaching the proper forum if law enforcement had declined his request to lodge an FIR, about 48 hours later, he swore an affidavit in Court, and filed this petition, which petition this Court took up as a fresh case on 31.07.2024.

2. At the outset, the petition appears premature as the petitioner has failed to submit any information regarding whether he followed up

with the S.H.O. Police on his complaint in the last 48 hours. Even otherwise, the petitioner has not mentioned if he has made any efforts to reach out to his spouse and, if so, its outcome. For example, he doesn't even state that he tried to reach her on her cellphone or that he contacted his spouse's family relatives, etc. Further, if the law enforcement agency has refused to lodge an FIR, then the petitioner is at liberty to approach the proper forum under the relevant provisions of Cr.P.C.

3. Absolutely no case is made out for any relief to the petitioner as prayed in writ jurisdiction. He may approach the appropriate forum for the redressal of his grievance. If and as and when Respondent No.3 should deny him relief, and he has exhausted his remedy before the proper forum under the Cr.P.C., then he may have some ground to approach this Court once again. However, in the present facts and circumstances of the case, no ground is made out for any relief to the Petitioner as prayed under Article 199 of the Constitution of Pakistan, and the Petition is dismissed in limini.

4. The above are the reasons for the Order passed on 31.07.2024 dismissing the Petition in limini.

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