

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constt: Petition No.S- 408 of 2024.

(Mst. Abida and another v. SHO, PS New Foujdari Shikarpur & Ors)

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

1. For orders on office objection as flag A.
2. For orders on M.A No. 893/2024.
3. For hearing of main case.

Date of hearing & Order: 14.03.2025.

None present for the petitioners.

Mr. Abdul Waris Bhutto, Asstt: A.G.

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ORDER

Adnan-ul-Karim Memon, J- During the previous hearing, the court questioned Petitioner Abida regarding her marital history. She confirmed a prior marriage to Muhammad Ibrahim, followed by a divorce and her subsequent marriage to Petitioner No. 2. The court directed the petitioners to amend their petition, adding Muhammad Ibrahim as a respondent and providing proof of the divorce. Today, the petitioners are absent without intimation.

2. The Assistant Advocate General assured the court that there would be no harassment.

3. This Court is of the tentative view that this is a harassment case, emphasizing that "harassment" encompasses a broad range of harmful actions. The court stressed the police department's responsibility, particularly the Senior Superintendent of Police (SSP), to address such issues. While the petitioners have a fundamental right to protection from both police and private harassment, this court clarified that the police retain full authority to act legally if either party commits a criminal offense.

4. The terms "harass," "injure," and "injury" carry wide-ranging meanings in both common usage and legal settings. While related, "harass" is uniquely focused on mental and emotional distress. Its synonyms—weariness, perplexity, distress, tease, vex, molest, trouble, and disturb—emphasize this aspect. "Harassment" encompasses torment and vexation, mirroring "torture," which includes mental and psychological abuse. Cruel, inhuman, and degrading treatment, even in police custody, can inflict severe psychological pressure amounting to torture. However, it is crucial to remember that individuals must also abide by the law to ensure the protection of others, including their family members.

5. Article 4 of the Constitution guarantees everyone the right to be treated according to the law, which includes fairness and the elimination of any factors that obstruct legal processes. To uphold this right, this court directs the police to investigate the issue at their end.

6. Higher courts have consistently condemned police harassment. Pakistan, as an Islamic state, must uphold high ethical standards. The Constitution protects citizens' honor and dignity. This court stressed that the misconduct of one family member does not justify subjecting others to dishonor, disrespect, and harassment. Such police actions violate the law, legal ethics, and human rights. Violations of this fundamental right constitute harassment. All executive and judicial officials must operate within the bounds of the law. Article 4 of the Constitution safeguards the right to lawful treatment, which must be rigorously protected against any infringement.

7. In view of such state of affairs this Court is left with no option but to direct the SSP concerned to take a bond from the private respondents to the tune of Rs.500,000 (Five hundred thousand) each that no bodily harm shall be caused to the petitioners. Such bond shall be kept at the Police Station concerned. No bottleneck shall be created by petitioner No.2, he is prohibited from preventing or hindering petitioner No.1 from meeting her parents if she wishes to do so.

8. This petition stands disposed of in the above terms.