

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S-114 of 2025
(*Mst. Zoya & another versus The Province of Sindh & others*)

Date	Order with signature of Judge(s)
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Date of hearing and order: 28.3.2025

Mr. Zafar Ali Talpur advocate for the petitioners
Mr. K.A. Wasvani, Assistant AG
Ms. Amna Ansari, Additional PG
SI Asghar Cheema, PS Gulistan-e-Jauhar, Karachi
Associate of Mr. Aroon Parsad advocate for the private respondents is present

ADNAN-UL-KARIM MEMON, J. – This constitutional petition has been filed by a woman and her son against several individuals/private respondents, alleging threats, harassment, and illegal actions on their part.

Learned counsel for the petitioners submitted that the petitioners are facing serious threats to their lives from private respondents No.11 to 19 and their associates. These threats are related to the murder of Asfand Yar, for which the petitioner's husband is falsely implicated. The respondents have attacked their homes and businesses, looted valuables, and set their property on fire. They have also threatened the petitioner and her children at their Karachi residence, forcing them to vacate the premises. As per counsel, the respondents have taken control of the petitioner's husband's agricultural lands, preventing cultivation. The respondents are threatening to disrupt the children's education as well. He added that the petitioner's husband, Ahmed Khan Depar, has been falsely implicated in the murder of Asfand Yar. He is also absconding in another murder case. He has been missing for a month, and the petitioners suspect the respondents are involved in his disappearance. He next submitted that false cases were filed against the husband and subsequently dismissed. The petitioners claim that the respondents' actions violate her and her children's fundamental rights as enshrined under Articles 4, 9, 14, 15 and 25 of the Constitution of Pakistan. The petitioners are seeking protection from this Court and legal action against the private respondents. Petitioners also seek directions to respondents No.1 to 10 (law enforcement agencies) to provide protection, ensure the petitioners' rights are upheld. They also seek direction for legal action against respondents No.11 to 19 and restrain the respondents from harassing or threatening the petitioners.

The SHO earlier submitted his report and clarified that the case began before his tenure. He confirmed that Ahmed Khan Depar is named suspect in Asfand Yar's murder case and is also wanted in another murder case in Larkana. The SHO stated that police are actively pursuing Depar's arrest, denied any

wrongdoing, and alleged that the petition is an attempt to obstruct legitimate police work. Learned APG and AAG are of the same view, however, submit in unequivocal terms that no harassment shall be caused to the petitioners as well as private respondents, and the police will act strictly under the law. The statement seems to be reasonable and acceded to.

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 concerned), to address such issues at his end. While the petitioners have a fundamental right to protection from both police and private respondents, this Court clarified that the police retain full authority to act legally if either party commits a criminal offense for the simple reason that 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 properly in accordance with the law by hearing the parties as the petitioners have apprehension of foul play at the hands of the police as they are lodging multiple F.I.R.s against them as pointed out by the petitioners' counsel.

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. However, the police is directed to act strictly within legal boundaries, ensuring no harassment to either party if they act under the law.

Additionally, the main objectives of the police is to apprehend offenders, investigate crimes, and prosecute them before the Courts, also to prevent the commission of crime, and above all, ensure law and order to protect citizens' lives and property. The 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. Deviations 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. The police have the power to

arrest a person even without obtaining a warrant of arrest from a Court for cognizable offenses. The presence of this power casts an obligation on the police, and they must bear in mind, as held by this Court from time to time in its various pronouncements, that if a person is arrested for a crime, his constitutional and fundamental rights must not be violated. Primarily, the Police Officers are required to protect and not abduct.

The statement of learned Addl. P.G. and learned AAG is tenable and the petitioners' counsel seeks disposal of the instant petition in that terms as he has already filed such an application bearing CMA No.2214 of 2025.

In view of such statement, this petition is liable to be disposed of; however, it is made clear that if there is any private/civil/criminal 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 harassment issues are concerned, the DIG concerned has to see the matter at his end and take prompt action under the law, if the petitioners approach him, however, that is subject to a fact-finding inquiry to be conducted by the DIG Police about the highhandedness of the police of the area in connivance with the private respondents, if any.

In view of the above, this petition stands is disposed of alongwith listed / pending applications.

JUDGE