

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No. D-593 of 2025

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

Mr. Ayaz Ali Laghari, advocate for petitioner along with petitioner.

Date of hearing & decision: 15.05.2025.

O R D E R

RIAZAT ALI SAHAR, J: - Through this petition, the petitioner has prayed as under:-

- a). That this Honourable court may kindly be pleased to quash the FIR bearing Crime NO.61 of 2025 u/s 430, 353 PPC 61, 62 Irrigation Act 1879 at PS Pubban/Husri against the petitioner & others lodged by the respondent No.5 being false, fabricated, concocted one.*
- b). That this Honourable Court may be pleased to issue directions to the respondent No.2 & 3 for providing legal protection to the petitioner.*
- c). That this Honourable Court may be pleased to restrain the respondents No.3 & 4 from harassing and threatening to petitioner.*
- d). That this Honourable Court may be pleased to grant any other relief which the Honourable Court deems fit and proper in view of the above facts to be granted in favour of the petitioner.*

2. Learned counsel for the petitioner contends that respondent No.5 is a Sub-Engineer in the Irrigation Department and one Ikhtiar Ali, who is also employed in the same department, has an ongoing dispute with the petitioner. He contends that a complaint is already pending between the

petitioner and Respondent Nos. 5 and 6 along with their family members and relatives and the uncle of Respondent No.5 is a DSP in the Police Department. According to learned counsel, the petitioner and his relatives were engaged in a protest against the creation of six canals over the Indus River and due to this protest, the said DSP, in collusion with Respondents No.5 and 6 and owing to their enmity, allegedly lodged a false FIR bearing Crime No.61/2025 under Sections 430 and 353 PPC and Sections 61 and 62 of the Irrigation Act, 1879. According to the learned counsel, the FIR is entirely baseless, fabricated and motivated by malice. There is currently no water in the canal due to water shortage in the Indus River and reduced supply in the Rohri Main Canal. He further contends that the petitioner has been falsely implicated due to old enmity with the informer and Respondent No.5. He has already been granted bail in the said case. He further contends that no such FIR has ever been registered against the petitioner previously. He therefore prays for quashment of the FIR and protection for the petitioner from harassment at the hands of the respondents No.3 and 4.

3. After hearing the petitioner at length, we have specifically inquired about the **maintainability** of the instant petition on the point as to whether the petitioner has an alternate remedy to invoke before the learned trial Court, if the case has been challaned. However, the learned counsel for the petitioner, despite repeated queries, failed to advance any cogent or convincing reason to justify invoking the jurisdiction of this Circuit Court. Learned counsel is only stressing that the FIR in question is false and due to protest of the petitioner against creation of six canals over the Indus River. The petitioner has also failed to demonstrate any exceptional circumstances justifying the entertainment of this petition at this Circuit Court.

4. We have noted that the petitioner, under the garb of asserting fundamental rights, has attempted to bypass the lawful and appropriate forum, thereby seeking to improperly shift the jurisdiction. Even no material is placed on record to substantiate his claim for quashment of the FIR and in this crime the petitioner is on bail. Such conduct cannot be encouraged by this Court. Courts of constitutional jurisdiction must guard against misuse of legal remedies, particularly when the petitioner has remedy to exhaust before the learned trial Court, if the case is challaned.

5. In view of the above, this petition is accordingly **dismissed in *limine*** along with pending applications.

JUDGE

JUDGE