

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S-991 of 2025

Date	Order with signature of Judge(s)
------	----------------------------------

- 1. For order on office objection Nos 1 to 7 and reply at “A”
- 2. For hearing of CMA No.6474/2025 (Stay)
- 3. For hearing of main case

13.10.2025

Mr. Muhammad Daud Narejo advocate for the petitioners  
Mr. Muhammad Mohsin Mangi, Assistant PG  
Mr. Raza Mian, DSP (Legal-II) CPO  
DSP Qadir Bux Khaskheli, SDPO Mirpur Sakro, Thatta  
DSP Khalid Javed, on behalf of SSP South Karachi  
Inspector Rafiq Soomro, Focal Person, District Sujawal  
SI Naseem Khan, PS Shah Latif Town, Karachi  
SI Mushtaq Hussain Panhwar, SI PS Makli, Thatta  
Syed Abrar Hussain, ASHO, PS Landhi, Karachi  
ASI Muhammad Faisal, PS Gharo, District Thatta  
ASI Naseem Bhatti, PS Dhabeji, District Thatta  
SI Syed Ahsan Ali, SSP West Office, Karachi  
PI Riaz Hussain

ORDER

**Adnan-ul-Karim Memon, J.** Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer:-

- a) *To direct the respondents to provide the protection to the petitioners and their family members as envisaged under Articles 9, 10, 18, 23, 24, and 25 of the Constitution of Pakistan.*
- b) *To restrain the respondents/police personnel from indulging in illegal acts by harassing the petitioners, their families, as well as workers/drivers engaged in lawful business, particularly during the transportation of goods and other materials, and to ensure that they act strictly in accordance with law.*
- c) *To direct the official respondents and their subordinate staff not to interfere with the legitimate and lawful business of the petitioner No.1*

2. Petitioner No.1 states that he is the proprietor of *Super Golimar Food Trading*, situated at Plot No.C-242, Sector 35-A, Near Korangi Industrial Area, Karachi. The company is duly licensed, registered with the Pakistan Tobacco Board, engaged in the trade of Sweet Betel Nuts, and is a regular taxpayer. Petitioner No.2 serves as a distributor of *Super Golimar Pan Masala* and other registered products in the districts of Thatta and Sujawal. It is submitted that Petitioner No.1 lawfully imports betel nuts from Indonesia under valid invoices and in full compliance with the relevant laws. Despite holding all requisite documents, the Petitioners are continuously subjected to harassment, threats, and blackmail by police officials across Sindh, who are unlawfully obstructing their

legitimate business operations. It is further submitted that the police have falsely implicated the Petitioners in several criminal cases, including FIR No.47/2018 and FIR No.287/2020 of P.S. Sharafi Goth, and FIR No.950/2023 of P.S. Gulistan-e-Johar, all registered under Section 8(1)-A of the Mawa Gutka Act. The Petitioners, however, have been acquitted in all such cases by competent Courts of law. Owing to persistent police harassment, petitioner No.1 instituted Civil Suit No.1674/2023, wherein this Court was pleased to grant a stay order. Subsequently, the Additional Inspector General of Police, Karachi Range, through letter No.AIGP/LEGAL-II/KHI/3141-44/2024 dated 30.1.2024, directed all concerned officers to ensure compliance with the said order. It is further alleged that on 06.11.2024, officials of P.S. KIA unlawfully detained an employee of the petitioners and registered FIR No.1320/2024 under Sections 8-A and 4 of the Mawa Gutka Act when the employee refused to pay illegal gratification. The said employee, namely Wazeer Zada, thereafter filed a Direct Complaint under Section 200 Cr.P.C., leading to an inquiry conducted by the DSP, Al-Falah Sub-Division, which established misconduct on the part of the concerned police officials. The learned Judicial Magistrate subsequently took cognizance of the matter on 08.1.2025. Notwithstanding this, police officers from various stations have continued to harass, threaten, and extort the petitioners and their employees. On 25.5.2025, at about 11:30 p.m., unidentified police personnel, some in uniform and others in plain clothes, armed with deadly weapons, visited the residence of petitioner No.1, demanded bribes, and threatened to falsely implicate the petitioners and their family members in serious criminal cases under the Control of Narcotic Substances Act (CNSA) if their illegal demands were not met.

3. The learned counsel for the Petitioners contends that despite a written complaint made before respondent No.2, no action has been taken against the delinquent officials. The petitioners, therefore, invoked their fundamental rights under Articles 9, 10, 18, 23, 24, and 25 of the Constitution of Pakistan, which ensure the protection of life, liberty, property, and freedom of lawful business from unlawful interference. The acts of the respondents are thus illegal, arbitrary, and unconstitutional. Instead of safeguarding citizens, the respondents have abused their authority, subjected the petitioners to harassment and endangered their lives, liberty, and business interests. The petitioners, along with their families and employees, remain under grave threat of false implication and harm, warranting the immediate protection and intervention of this Court. He prayed to allow this petition.

4. The learned APG contends that over two dozen FIRs have been registered against the petitioners under Section 8(1)-A of the Mawa Gutka Act at various police stations, alleging that the petitioners are a habitual offender involved in narcotics-related activities and, therefore, not entitled to relief under Article 199

of the Constitution. However, he submitted that no harassment shall be caused to the petitioners. The police officials present in Court undertake that they will not cause any harassment to the petitioners and will act strictly under the law. Finally, he prayed to dismiss this petition.

5. I have heard the learned counsel for the parties and perused the record. From the facts and record, it appears that the petitioners are duly licensed businessmen engaged in trade and have already been acquitted in previous cases registered under the Mawa Gutka Act. It is claimed that despite such acquittals and compliance with relevant laws, they are continuously being harassed, blackmailed, and falsely implicated by certain police officials. The record further reflects that the petitioners have obtained a valid stay order from the Court, and the AIGP Karachi Range has directed compliance therewith, yet the subordinate police officials have failed to act in accordance with the law. Such conduct constitutes misuse of authority and violation of fundamental rights guaranteed under Articles 4, 9, 18, 23, and 24 of the Constitution of the Islamic Republic of Pakistan, 1973. The contention of the learned APG that the petitioners are habitual offenders is unsupported by any conviction. Mere registration of FIRs, without adjudicated guilt, cannot deprive a citizen of constitutional protection or justify police harassment. It is a settled principle that registration of multiple FIRs does not amount to proof of guilt, and no one can be deprived of liberty or business without due process of law. This Court in **PLD 2022 Karachi 311** (*Haji Noor Muhammad v. Province of Sindh & others*) held that harassment by police officials, without lawful justification, violates Articles 9 and 10-A of the Constitution. The Court restrained police from causing undue interference in lawful business activities. **2021 YLR 1814 (Karachi)** – *Abdul Sattar v. SSP Korangi & others*, this Court observed that mere pendency or registration of FIRs does not authorize police to harass a citizen; unless convicted, the presumption of innocence prevails. **PLD 2019 Sindh 300** – *Muhammad Arif v. Province of Sindh*, this Court held that even in cases relating to the Mawa Gutka Act, where business licenses and documentation are valid, police cannot take coercive action unless a specific violation is proven through due process. In **2018 SCMR 1411**, Human Rights Case (Harassment by Police), the Supreme Court emphasized that police officials are bound to act strictly in accordance with law, and harassment in the guise of investigation is unconstitutional.

6. This cases involve harassment by police, often in connivance with private parties. The term “harass” refers to subjecting a person to aggressive pressure or intimidation, causing mental distress beyond mere worry, discomfort, or unease. The primary duties of the police are to apprehend offenders, investigate crimes, maintain law and order, and protect citizens’ lives and property. Police must act fairly, respecting constitutional and fundamental rights, and their power to arrest

does not permit violations of these rights. The statement of the learned APG is tenable, and the petition is disposed of accordingly. Any private, civil, or criminal disputes between the parties shall be addressed by the competent forum. Regarding police harassment, the IGP Sindh shall take prompt action if the petitioners approach him, subject to a fact-finding inquiry about alleged misconduct by police in the concerned area.

7. Before parting with this order, it has been agitated that the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale, and Use of Gutka and Manpuri Act, 2019 (Sindh Act No.III of 2020) comprehensively prohibits the production, distribution, and consumption of gutka and manpuri throughout the province. Specifically, Section 3 prohibits the preparation or manufacture of gutka and manpuri. Section 4 prohibits the sale of gutka and manpuri. Section 5 prohibits the import, export, or transport of gutka and manpuri. Section 6 prohibits owning or operating premises or machinery for the manufacture of gutka and manpuri. Section 7 prohibits the acquisition and possession of assets derived from gutka and manpuri. Offenses under this Act are cognizable, non-bailable, and non-compoundable, with penalties including imprisonment up to three years and fines up to Rs.500,000/-. This Court has consistently emphasized the need for stringent enforcement of this legislation. In *Criminal Bail Application No.2271 of 2021*, this Court underscored the serious nature of offenses under the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale & Use of Gutka and Manpuri Act, 2019, highlighting the potential for imprisonment up to three years. This Court orders strict legal action against gutka sellers, the Court directed that cases against those selling gutka be registered under Section 337-A (punishment of shajjah) of the Pakistan Penal Code, emphasizing the severity of the offense. This Court summoned the Sindh IGP and Chief Secretary, directing them to ensure the implementation of the ban on gutka and mawa, and to take action against those violating the law

8. In light of the above legal provisions and judicial precedents, it is imperative that the Inspector General of Police (IGP) Sindh take immediate and effective measures to enforce the ban on the sale, purchase, and use of gutka and manpuri in the province. Inspector General of Police must ensure that all law enforcement agencies under his command are fully aware of and comply with the provisions of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale & Use of Gutka and Manpuri Act, 2019. He shall authorize to police officers of the each district of Sindh to conduct regular raids and inspections in areas known for the sale or manufacture of gutka and manpuri. He shall take initiative to launch a province-wide public awareness campaign to educate citizens about the health hazards associated with the use of gutka and manpuri, and the legal consequences of their sale and use. He shall also ensure that individuals found

violating the provisions of the Act are arrested and prosecuted to the fullest extent of the law. He shall coordinate with other government departments, including the Health Department and local authorities, to ensure a unified approach in combating the illegal trade of gutka and manpuri. He shall also establish a monitoring mechanism to track the effectiveness of enforcement actions and report progress regularly to this Court. Failure to implement these directives will be viewed as a serious dereliction of duty and may result in legal and administrative actions against the responsible officers.

9. The Sindh Prohibition of Preparation, Manufacturing, Storage, Sale & Use of Gutka and Manpuri Act, 2019 is a critical piece of legislation aimed at safeguarding public health and ensuring the well-being of citizens. It is the duty of all law enforcement agencies, under the leadership of the IGP Sindh, to uphold and enforce this law with diligence and integrity. This Court has made it clear that strict legal action will be taken against those who flout the law, and it is imperative that these directives are implemented in letter and spirit to eliminate the menace of gutka and manpuri from the province.

10. Accordingly, the petition is disposed of with directions to the police to act lawfully and refrain from harassment to the citizens, while remaining empowered to act in case of cognizable offenses.

JUDGE