

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S-1035 of 2025

Date	Order with signature of Judge(s)
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- 1. For order on office objection Nos.1 to 5 alongwith reply as at “A”
- 2. For hearing of CMA No.6687/2025 (U/O 39 R. 1&2 CPC)
- 3. For hearing of main case

13.10.2025

Mr. Kashif Khan Tanoli advocate for the petitioner  
Mr. Muhammad Mohsin Mangi, Assistant PG  
Mr. Raza Mian, DSP (Legal-II) CPO  
PI Amin Alam, PS Airport Karachi  
PI Faisal Jatt, PS Malir Cantt. Karachi

Petitioners have filed this Constitutional Petition under Article 199 (1) (a) (i) & (iii) readwith 199(1) (c) of the Constitution of the Islamic Republic of Pakistan, 1973 with the following prayer:-

- a. *To direct the Respondents to place before this Honorable Court the number and nature of the cases / inquiry(ies)/ investigation(s) / FIR(s) / Complaint(s), against the Petitioners, to be registered against the Petitioners, if any material is available to show the probable arrest of the Petitioners after making through inquiries / investigation(s) / FIR(s) / Complaint(s) from their subordinates in their respective jurisdiction. The servants, agents and employees of the Respondents or any other person claiming through or under them be restrained from arresting the Petitioners and their associates and/or family members in any false case without the prior permission of this Honorable Court;*
- b. *Restrain the Respondent No.1 to 6 from arresting the Petitioners or any Director(s), Company Secretary and employees of M/s. Ghani Builders & Developers (Pvt.) Ltd without prior permission of this Court on the basis of any unlawful and unjustified reason, and/or hidden inquiry and/or investigation;*
- c. *Restrain the Respondents from taking any penal or coercive action against the Petitioners or any Director(s), Company Secretary and employees of M/s. Ghani Builders & Developers (Pvt.) Ltd, in respect of the subject property, wherein the remedy lies exclusively under the civil law.*
- d. *To direct the Respondents to investigate the matter of abuse of process and pass necessary directions.*
- e. *To adjudge that the act(s) and action(s) of the official of the Respondents are unlawful, malafide, arbitrary and in excess of their authority and to pass necessary order against the Respondents on account of unlawful exercise of power and authority;*
- f. *Direct the Respondents to provide protection to the life and liberty of the Petitioners, their family members and employee as guaranteed under the Constitution of Islamic Republic of Pakistan;*

It is, *inter alia*, contended briefly by learned counsel for the petitioners that in the year 2014, respondent No.4 booked an apartment i.e. Flat No.A-401,

Tower-5, in the project named Fatima Golf Residency, situated near Malir Cantt., Karachi; that the dispute between the parties is purely of a civil nature, arising out of contractual and property-related matters, which falls exclusively within the jurisdiction of the competent civil Court, however, the private respondents with malafide intention and ulterior motives, are attempting to give a criminal colour to the said civil dispute by lodging false, frivolous and baseless complaints against the petitioners and the respondents officials are trying to frame and falsely implicate the petitioners and their associates in false and bogus FIRs. Learned counsel further contends that the petitioners not only apprehends secretive inquiries or investigations against them, but also their arrest, which shall not be stopped until and unless the respondents are restrained from taking any coercive action including the arrest of the petitioners only to harass and humiliate them.

This Court vide order dated 29.9.2025 issued notices to the respondents as well as to learned Advocate General Sindh and learned Prosecutor General Sindh for today. Meanwhile, it was directed that no coercive action shall be taken against the petitioners / M/s Ghani Builders & Developers (Pvt.) Ltd. in terms of complaint lodged against them to the concerned police station. However, it was further directed that if there is cognizable offence, police shall be free to take action and if there is a civil dispute between the parties, for the time being that cannot be converted into criminal litigation subject to all just exceptions as provided under the law till the next date of hearing.

Today, learned Assistant PG has submitted report of the Sub-Divisional Police Officer, Airport Sub-Division, District Malir Karachi dated 13.10.2025 that they tried their level best to call the petitioners to appear at police station to record their versions, however, they are reluctant to put appearance with the apprehension that they may be arrested in the subject complaint by lodging the FIR, though this Court has already restrained them not to do so until and unless there is a cognizable offence made out against the petitioners. However, this is a simple case of harassment and the police shall not cause any sort of harassment to the petitioners. However, it has already been made clear that if there is a cognizable offence, the police shall be free to take action and meanwhile, the civil nature case shall not be converted into a criminal litigation.

This petition stands disposed of in the above terms with directions that no harassment shall be caused to the petitioners.

JUDGE