

RDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. S-127 of 2026
(Muhammad Muzammi Rafiq versus Inspector General (IG) and others)

Date	Order with signature of Judge
------	-------------------------------

Date of hearing and order 06.2.2026

Mr. Muhammad Rehman Ghous advocate for the petitioner

O R D E R

Adnan-ul-Karim Memon, J. – the captioned petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, read with Section 561-A Cr.P.C., seeking the following relief: -

- (a) *To direct the Respondents no 1 & 2 as being administrative heads in respective jurisdictions to place before this Hon'ble Court the number and nature of cases/inquiries/investigations / FIRs / Complains, against the Petitioner or thereabouts, to be registered against the Petitioner, if any material is available to show the probable arrest of the Petitioner, after making thorough inquiries/investigation / FIR / Complaint 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 Petitioner, in any false case, without the prior permission of this Court;*
- (b) *To restrain the Respondents, their officials, or anybody acting for them or on their behalf from the Petitioner residing in his own house, and further be pleased to allow the Petitioner to perform his employment concerned.*
- (c) *Permanently restrain the Respondents from arresting the Petitioner without prior permission of this Court.*
- (d) *Restrain the Respondents from arresting the Petitioner without prior permission of this Court during the pendency of these proceedings.*

2. The case of the petitioner is that he is the registered proprietor of M/s Diamond Motors, engaged in the lawful business of buying and selling motor vehicles. The Petitioner purchased the subject vehicle from M/s Carmatix on 24-11-2025 for a total consideration of Rs. 3,214,500/-, after making payment through verifiable banking channels. Upon purchase, the Petitioner received physical possession of the vehicle along with the original registration file, delivery letter, and payment receipts. He urged that he has remained in peaceful possession of the vehicle since its purchase. However, on or about 20-12-2025, Respondent No. 9, the Investigating Officer of FIR No. 630/2025 under section 489-F PPC, Police Station Clifton, acting at the behest of Respondent No. 8, unlawfully raided the Petitioner's showroom and attempted to forcibly seize the vehicle. He submitted that he disclosed that he is a bona fide purchaser for value

without notice and produced documentary proof of lawful purchase, yet the IO threatened the Petitioner with implication in multiple FIRs if the vehicle was not handed over. He submitted that FIR No. 630/2025 pertains to an alleged dishonour of a cheque between Respondent No. 8 and one Tahir Khan, a previous owner of the vehicle, and has no nexus whatsoever with the Petitioner.

3. Learned counsel for the petitioner argued that the dispute is purely civil in nature and relates to a private transaction before the Petitioner's lawful purchase. He added that the Petitioner is neither nominated nor accused in the said FIR. He argued that upon inquiry, the Petitioner discovered a clear and uninterrupted chain of title whereby Respondent No. 8 sold the vehicle to Tahir Khan, who sold it to SK Automobiles, which then sold it to M/s Carmatix, from whom the Petitioner purchased the vehicle. He emphasized that all transactions are supported by lawful documentation. Learned counsel submitted that the Petitioner has already instituted Suit No. 222/2026 before the Senior Civil Judge (East), Karachi, wherein an order of status quo has been granted on 26-01-2026, and the matter is pending adjudication. However, despite the pendency of civil proceedings, the Respondent police officials, in collusion with Respondent No. 8, continue to harass the Petitioner through unlawful raids, threats, and phone calls at his residence, causing grave mental agony to the Petitioner and his family. The Petitioner apprehends his illegal arrest in undisclosed inquiries or fabricated cases without notice or lawful authority. Learned counsel submitted that the Petitioner has never been convicted of any offence and enjoys an unblemished reputation. The actions of the Respondents are mala fide, arbitrary, and amount to abuse of authority, aimed at pressurizing the Petitioner to surrender his lawful property. Per learned counsel, the Respondents' conduct is in blatant violation of the Petitioner's fundamental rights under Articles 4, 9, 10-A, 14, 18, 24, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973, including the right to life, liberty, dignity, due process, property, and lawful business. Learned counsel lastly submitted that unless restrained by this Court, the Respondents are likely to continue their illegal actions, causing irreparable loss to the Petitioner's dignity, reputation, business, and personal liberty.

4. I have heard the learned counsel for the petitioner on the maintainability of the petition and perused the record with his assistance.

5. From the foregoing facts and submissions, it is the claim of the petitioner that he is a bona fide purchaser for value, in peaceful possession of the subject vehicle, and is neither nominated nor accused in FIR No. 630/2025. The said FIR admittedly pertains to a private transaction involving alleged dishonour of cheque between Respondent No. 8 and a prior owner of the vehicle, having no nexus with

the Petitioner. The dispute, *prima facie*, is civil in nature and is already sub judice before a competent Civil Court, where an order of status quo is in force.

6. It is a settled principle of law that criminal proceedings cannot be used as a tool to pressurize or settle civil disputes, nor can police machinery be employed to dispossess a lawful possessor without due process of law. It is well settled that police authorities have no jurisdiction to interfere in matters of civil nature or to dispossess a person without lawful authority. Similarly, where a dispute is essentially civil, police interference amounts to abuse of authority and violates the fundamental rights guaranteed under Articles 4 and 9 of the Constitution. It is consistently emphasized that arrest and coercive measures are not to be used as instruments of harassment, particularly where no incriminating material exists against a citizen. The law is equally settled that no person can be arrested merely on suspicion or to satisfy a complainant, unless the strict requirements of law are met. The deprivation of liberty without lawful justification amounts to false imprisonment and is actionable in law.

7. In view of the above, this Court at this stage cannot give concrete findings on the subject issue as to whether the actions of the Respondents are *mala fide*, arbitrary, and without lawful authority, aimed at exerting pressure upon the Petitioner to surrender his lawful property. Such conduct is to be seen by the DIGP concerned, who shall ensure that no harassment shall be caused to either party at the hands of the Police, which cannot be countenanced in a constitutional democracy governed by the rule of law.

8. Accordingly, this Court is not persuaded to hold that the Petitioner has made out a *prima facie* case for protection at this stage, as there exists nothing against the petitioner; which is premature stage and is dismissed in limine.

9. These are the reasons for my short order of even date, whereby the petition is dismissed in limine.

JUDGE