

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-272 of 2026

[Muhammad Aslam v. Federation of Pakistan and 03 others]

Before:

Justice Arbab Ali Hakro

Justice Riazat Ali Sahar

Petitioner by : Mr.Altaf Sachal Awan, Advocate

Respondents by : Nemo

Dates of Hearing : **17.02.2026**

Date of Decision : **17.02.2026**

ORDER

ARBAB ALI HAKRO J:- The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, alleging that respondent No.3, an officer of the National Cyber Crime Investigation Agency, Hyderabad, unlawfully took possession of his mobile phone during the course of an inquiry initiated on the complaint of respondent No.4, who is stated to be a relative with whom the petitioner has a longstanding land dispute. It is further alleged that threats of arrest were extended and that the petitioner and his family are being subjected to harassment.

2. Learned counsel for the petitioner submits that the impugned conduct violates Articles 4, 9, 14 and 23 of the Constitution and prays for declaratory and injunctive relief restraining the respondents from initiating any further proceedings.

3. We have heard learned counsel and examined the material placed on record. The petition, in its present form, does not disclose any infringement of a fundamental right enforceable by law. The record reflects that the petitioner was merely issued a notice under section 160 Cr.P.C. requiring his attendance in connection with an inquiry. It is well -settled that the issuance of a call -up notice, or the conduct of a preliminary inquiry, does not by itself

constitute harassment nor does it furnish a cause for invoking the extraordinary jurisdiction of this Court.

4. The allegations regarding "snatching" of a mobile phone, issuance of threats, and mala fide influence of respondent No.4 are disputed questions of fact which cannot be adjudicated in constitutional proceedings. Even otherwise, if the petitioner believes that any officer has acted beyond their authority, adequate alternative remedies exist under the relevant statutory framework, including recourse to the departmental hierarchy. The constitutional jurisdiction cannot be employed to bypass such remedies or to supervise the manner in which an inquiry is conducted.

5. The prayers seeking directions to restrain the respondents from registering "further cases" or to take disciplinary action against respondent No.3 are equally misconceived. This Court cannot pre-emptively curtail investigative functions, nor can it assume the role of a disciplinary authority in the absence of a proven violation of law.

6. The petition is, therefore, devoid of merit, premature and not maintainable under Article 199 of the Constitution. Accordingly, the petition is **dismissed** in *limine*, along with the pending application(s).

JUDGE

JUDGE