

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. D- 110 of 2025
[Ayesha Malik vs. Province of Sindh & others]

Before;
Mr. Justice Amjad Ali Bohio
Mr. Justice Ali Haider 'Ada'

Hearing of case
For hearing of main case

17.03.2026.

Mr. Badaruddin Memon, Advocate for the Petitioner.

Syed Naveed Ahmed Shah, Deputy Attorney General.

Mr. Ali Raza Baloch, Additional Advocate General Sindh.

Mr. Adnan Arshad Jatui, Special Prosecutor NAB, Sukkur

Shafi Muhammad Khaskheli, DSP (Legal) on behalf of SSP,
Sukkur and Inspector Jehangir Mahar, SHO Police Station 'A'
Section, Sukkur

ORDER

On 11.06.2025, the learned Additional Advocate General submitted a report indicating that, upon perusal, it appeared that a Joint Investigation Team (JIT) had been constituted by the Government of Sindh. In view of this, it was observed that an FIR was required to be lodged. During the proceedings, the counsel for the petitioner assured the Court that the FIR would be lodged, and the matter was adjourned to 09.07.2025.

On 09.07.2025, no report was filed by or on behalf of the petitioner to indicate whether the FIR had been lodged; however, progress reports were submitted by the police functionaries. On 16.07.2025, the learned counsel for the petitioner requested further time to comply with the order dated 09.07.2025, but did not address the question of registration of the FIR.

On 23.07.2025, the petitioner's side placed information regarding the identification of the alleged culprits; however, the petitioner was directed to be physically present to attend the

proceedings of the JIT. The matter was subsequently reported to the Inspector General of Police. On 19.11.2025, the counsel for the petitioner submitted that the petitioner would approach the SHO of Police Station 'A' Section, Sukkur, for registration of the FIR. The SHO, who was present, undertook that the FIR would be recorded as and when the petitioner approached the police station.

On 24.12.2025, the SSP, Sukkur, submitted before this Court that the petitioner had not cooperated with the police despite repeated directions and had failed to approach the police for registration of the FIR. Further, on 11.02.2026, reports were filed indicating that the petitioner remained reluctant to lodge the FIR and had also been absent on multiple occasions.

Today, the matter is called, and the son of the petitioner, who is following the case, is present. During the course of arguments, when confronted as to why the FIR had not been lodged even against unknown persons, the counsel for the petitioner submitted that the petitioner's side did not wish to lodge the FIR, but had only sought to proceed with the instant petition.

On the other hand, the learned Additional Advocate General as well as the Deputy Attorney General submitted that, once an allegation of abduction is made, the police are duty-bound to follow the process in accordance with the law. However, the petitioner's side created hurdles which obstructed the initiation of legal proceedings. Notably, the JIT had already been constituted, and all police functionaries were prepared and available to determine the real culprits. Despite repeated efforts by the police, including high-ranking officers such as the SSP, the petitioner's side avoided cooperating with the process. This conduct has established that the FIR has not been lodged primarily to avoid or delay the proceedings, rather than due to any procedural deficiency.

In view of the foregoing, it is evident that the petitioner has failed to follow the prescribed legal process. The State functionaries, being under obligation to report the cognizable offences, remain empowered to register the FIR and pursue the matter, including

recovery of any missing person, by adopting all available legal measures and modern techniques.

Accordingly, the instant Constitutional Petition is hereby dismissed. It is clarified that this dismissal is based on the petitioner's non-cooperation and procedural lapses, and shall not preclude the authorities from initiating appropriate action should evidence of a cognizable offence come to light in accordance with law.

JUDGE

JUDGE