

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-115 of 2026

Order with signature of Judge

1. For orders on Misc. No.475 of 2026 (urgent)
2. For orders on office objections 1 to 3.
3. For orders on Misc. No.476 of 2026 (exemption)
4. For orders on Misc. No.477 of 2026 (Sty)
5. For hearing of main case.

13.01.2026

Mr. Fateh Umer Baloch, Advocate for the Petitioner.

- 1) Urgency application is granted.
- 2) Office objections are disposed of having become infructuous.
- 3) Exemption is allowed subject to all just exceptions.
- 4–5) Through the instant constitutional petition, the petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking quashment of FIR No. ASO-123/2025-VEH registered at the Office of the Superintendent Preventive Service, Anti-Smuggling Organization Headquarters, N.M.B. Wharf, Karachi, for offences punishable under Sections 2(s), 16, 17 and 178 of the Customs Act, 1969, read with Sections 156(1) and 187 thereof, and further read with Section 3(1) of the Imports and Exports (Control) Act, 1950.

Learned counsel for the petitioner contended that the officials of the Anti-Smuggling Organization, while not in uniform, unlawfully entered the private premises of the petitioner and forcibly took away two vehicles, namely Toyota Crown and Toyota Prius. It was further alleged that one Abdullah was subjected to physical maltreatment by the said officials, for which a medical certificate was issued in his favour. Learned counsel further submitted that certain other articles were also removed from the premises and that an application was moved before the learned Ex-officio Justice of Peace for registration of an FIR against the concerned officials. According to learned counsel, the impugned FIR is illegal, without lawful authority and has been registered with mala fide intentions; therefore, the same is liable to be quashed.

Heard the learned counsel for the petitioner and perused the material available on record with his assistance.

It is a settled principle of law that the power to quash an FIR is an extraordinary jurisdiction, which is to be exercised sparingly and only in exceptional circumstances. The Honorable Supreme Court of Pakistan has consistently held that criminal proceedings should not be scuttled at the threshold unless the allegations contained in

the FIR are patently absurd, inherently improbable, or do not disclose the commission of any offence. It is further well established that investigation falls within the exclusive domain of the investigating agency and courts should refrain from interference unless the case falls within the recognized exceptions. The truth or falsity of the allegations cannot be determined at the stage of quashment, as such determination requires appreciation of evidence, which lies within the domain of the trial court. Mere allegations of mala fide, even if asserted, do not by themselves furnish sufficient grounds for quashment unless the FIR is shown to be frivolous, vexatious, or an abuse of the process of law.

In the present case, a bare perusal of the impugned FIR reveals that specific allegations have been levelled to the effect that the vehicles in question were allegedly brought into Pakistan in violation of the customs laws. Such allegations, on their face, disclose the commission of cognizable offences under the Customs Act and allied laws and, therefore, warrant thorough investigation. The defence taken by the petitioner, including allegations of illegal entry, maltreatment and false implication, raises disputed questions of fact, which cannot be adjudicated in constitutional jurisdiction without recording evidence. Moreover, with regard to such allegations, the petitioner has already availed the remedy before the learned Ex-officio Justice of Peace.

The investigation in the matter is admittedly at a nascent stage. Interference by this Court at this juncture would amount to premature evaluation of evidence and would undermine the statutory mandate of the investigating agency. The petitioner has sufficient opportunity to place all material and evidence available in his defence before the Investigation Officer. In view of the foregoing discussion, this Court finds no exceptional circumstances warranting interference in the impugned FIR while exercising constitutional jurisdiction under Article 199 of the Constitution.

Consequently, this petition is dismissed in limine, being devoid of merit. However, the petitioner is at liberty to approach the Investigation Officer and submit any material or evidence in support of his claim and to disprove the allegations contained in the FIR, strictly in accordance with law.

It is clarified that the observations made herein are tentative in nature and shall not prejudice the case of either party at any subsequent stage.

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