

IN HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-84 of 2026

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

1. For order on MA No.359/2026.
2. For order on office objection.
3. For order on MA No.360/2026.
4. For hearing of main case.

Mr. Sajjad Ali Leghari advocate for petitioner.

Date of hearing & decision: 22.01.2026.

O R D E R

RIAZAT ALI SAHAR, J: - Through this petition, the petitioner has prayed as under:-

- A. To quash the FIR No. 193 of 2025 PS Talhar District Badin under section 381/A, 34 PPC lodged by the respondent No.3 on the instruction of respondent No. 4.
- B. To direct the respondent No. 2 to 4 and 5 to provide protection to the petitioner as well as family of the petitioner.
- C. To restrain official respondent No. 2 to 3 who are not allowing the petitioner for running the Car.
- D. Direct the respondent No. 7 exclude the name of Said car from the ECL.
- E. Costs of the petition may be saddled upon the respondents.
- F. Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioners.

2. The factual background of the case is that the petitioner initially entered into a verbal rent agreement in respect of his car, Alto VXR, bearing Registration No. BUU-

424, Model 2021, Engine No. 6R165214, Chassis No. NF1AET306H1055233, with respondent No.6, whereby monthly rent of Rs.70,000/- was fixed. It is stated that respondent No.6 thereafter sub-rented the said car to respondent No.5/company; however, respondent No.5 also rented out the subject car to Green Truck International Company for a period of six months vide stamp paper No.J337759. Upon completion of the period as per agreement, the car was returned to the petitioner in the month of November 2025. It is further stated that thereafter respondent No.5/company, through its worker, Muhammad Saleem (impleaded as respondent No.4), got an FIR registered through respondent No.3, ASI Waseem Abbas Laghari, which, according to the petitioner, has been lodged with mala fide in order to blackmail and harass him to again rent out his car. Hence, the present petition.

3. Learned counsel for the petitioner submits that FIR No.193 of 2025 has been registered with *mala fide* intention at the behest of private respondents, with the sole purpose of pressurizing and harassing the petitioner to re-rent his vehicle. He submits that allegedly the petitioner had a rental agreement only with respondent No.6 and had no direct contractual or legal relationship with respondent No.5 or respondent No.4. Therefore, the petitioner cannot be held responsible under the said FIR, as the essential ingredients of the alleged offence are absent. Learned counsel also submits that the subject car was lawfully returned to the petitioner after expiry of the rental period in November 2025, which negates any allegation of dishonest intention. According to learned counsel, any subsequent grievance raised by the private respondents pertains to contractual issues and does not give rise to a cognizable offence. He further submits that the obstruction by police officials in allowing the petitioner to operate his car is illegal and arbitrary against fundamental rights of the petitioner, warranting constitutional intervention.

4. The reliefs sought by the petitioner involve disputed questions of fact relating to contractual dealings, possession of the vehicle and alleged criminal intent. The determination of *mala fide*, if any, behind the registration of the FIR requires appreciation of evidence, which is beyond the scope of writ jurisdiction. Similarly, the legality of police action involves factual and statutory examination. It is well settled that constitutional jurisdiction cannot be invoked to short-circuit remedies available under criminal law. Hence, the question of maintainability of the instant petition itself depends upon factual inquiry and cannot be conclusively decided in writ jurisdiction.

5. In view of above facts and circumstances, instant petition is **dismissed** in limine along with listed applications.

JUDGE

JUDGE