

**ORDER SHEET**  
**HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
**C.P No.S-56 of 2026**

[*Nisar Shah v. Province of Sindh and others*]

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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1. For orders on M.A No.166/2026 (U/A)
2. For orders on office objection (s)
3. For orders on M.A No.167/2026 (Exemption)
4. For orders on M.A No.168/2026 (Stay)
5. For hearing of main case

**26.01.2026**

Mr.Sher Dil Ansari, Advocate for the Petitioners

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The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking directions against the official respondents to restrain alleged harassment and to provide protection to his life and property.

2. The case set up in the petition is that the petitioner and his family are embroiled in a civil dispute with respondent No.8 and that due to such hostility, the private respondent, allegedly in collusion with police officials, has been lodging false FIRs and harassing the petitioner. It is further asserted that the petitioner has been acquitted in earlier cases. Yet, the respondents continue to exert pressure upon him to compromise and surrender possession of the disputed land.

3. Learned counsel for the petitioner reiterated the allegations of harassment and maintained that the petitioner is being victimised due to a civil dispute. He urged that the police officials are acting under the influence of the private respondents and that the petitioner's fundamental rights are being infringed.

4. I have heard learned counsel for the petitioner and perused the record. The constitutional jurisdiction under Article 199 is discretionary and is to be exercised sparingly. It is well-settled that this Court does not ordinarily interfere in matters where an adequate and efficacious remedy is available under ordinary law. The Supreme Court, in the case of Younas Abbas v. Additional Sessions Judge, Chakwal (PLD 2016 SC 581), held that the High Court cannot be converted into a parallel forum for supervising investigations or preventing the registration of criminal cases. In the above case, a Division Bench exhaustively examined the misuse of harassment petitions. It held that

Article 199 cannot be invoked to shield an accused from criminal liability, nor can it be used to prevent the police from performing their statutory duties. It was emphasised that where allegations pertain to criminal proceedings, the proper remedy lies before the Magistrate, the trial Court, or the Ex-Officio Justice of Peace under Sections 22-A and 22-B Cr.P.C.

5. In the present case, the petitioner is admittedly involved in several FIRs (available at Pages 13 to 25), which confirms that multiple criminal cases are pending against the petitioner. More importantly, he is presently incarcerated; a person who is in lawful custody cannot simultaneously allege harassment by police officials in the manner pleaded in this petition. The very foundation of the petition collapses once it is established that the petitioner is facing criminal prosecutions and is detained under lawful authority.

6. No material has been placed on record to demonstrate that the petitioner is being subjected to any unlawful action beyond the scope of pending criminal cases. Mere allegations of harassment, unsupported by cogent evidence, cannot justify the invocation of constitutional jurisdiction.

7. It is also noteworthy that the relief sought in the petition, i.e., restraining police from taking action and directing them to provide protection, cannot be granted in the face of multiple FIRs. The constitutional jurisdiction cannot be used to create a protective umbrella for an accused person or to frustrate the criminal justice process. The petition, therefore, is not only misconceived but appears to be an attempt to circumvent the ordinary course of law. The petitioner has failed to demonstrate any violation of fundamental rights warranting interference by this Court.

8. For the reasons recorded above, this petition is **dismissed** in *limine*.

**JUDGE**