

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-2743 of 2026
(Rajab Ali Butt v Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhary

Date of hearing and Order: 15.07.2026

Mr. Saqib Soomro, Advocate for the Petitioner.
Ms. Mehreen Ebrahim, DAG.
Ms. Seema Zaidi, Additional Prosecutor General Sindh.
Mr. Naeem Akhtar Talpur, AAG Sindh.
DSP Sajid Gujjar and DSP Shariq Ahmed, P.S. Gulberg, are present.

ORDER

Adnan-ul-Karim Memon, J. – Petitioners have filed this petition under Article 199 of the Constitution seeking to pass an order for quashment of FIR No. 14/2025 under Section 295-A PPC along with all consequential proceedings.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated with mala fide intentions in FIR No. 14/2025 registered at Police Station Hyderi, Karachi (Central) under Section 295-A PPC. He contends that the FIR, along with all consequential proceedings, is liable to be quashed as it has been initiated without lawful authority, is void ab initio, and amounts to an abuse of the process of law. He further submits that the petitioner voluntarily surrendered before the trial Court, obtained interim pre-arrest bail, and regularly appeared before the Court, demonstrating his bona fides and cooperation with the investigation. It is argued that the subsequent dismissal of the bail application for non-prosecution occurred solely due to the petitioner's illness and not on merits, and that the petitioner thereafter again surrendered before this Court. Counsel further points out that the petitioner was assaulted and intimidated by the complainant and his associates within the court premises, which clearly reflects the mala fide motive behind the prosecution. Learned counsel further argues that the registration of the FIR is in direct violation of the mandatory provisions of Section 196 Cr.P.C., as the offence under Section 295-A PPC could only be prosecuted upon a complaint by, or under the authority of, the Federal or Provincial Government, whereas the present FIR was registered on the complaint of a private individual without any lawful authorization. He places reliance upon *Ammad Yousaf v. The State*, **PLD 2024 SC 273** and other precedents to contend that such proceedings are without jurisdiction and liable to be quashed. Counsel further submits that even if the allegations contained in the FIR are accepted at their face value, they do not disclose the essential ingredients of the alleged

offence, particularly the element of deliberate and malicious intention. He maintains that the petitioner never intended to commit any act falling within the mischief of Section 295-A PPC, has publicly clarified the misunderstanding through a video message, and, being a devout Muslim, holds the highest respect for Islam and its sacred personalities. It is further argued that the criminal proceedings have been initiated with mala fide intentions to harass, intimidate and coerce the petitioner, thereby violating his fundamental rights guaranteed under Articles 4, 9, 10-A, 14 and 25 of the Constitution. According to the learned counsel, the continuation of such proceedings would amount to an abuse of the process of law, cause irreparable prejudice to the petitioner, and therefore the impugned FIR and all consequential proceedings are liable to be quashed.

3. Learned A.P.G. submits that the material sent for forensic examination is still awaited from the FSL. Upon receipt of the FSL report, the investigation shall be completed and the report under Section 173 Cr.P.C. will be submitted before the competent Court in accordance with law. Therefore, she prays that the petition be dismissed.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. As per the Investigation Officer's report, FIR No. 14/2025 under Section 295-A PPC was registered at Police Station Hyderi on the complaint of the complainant, who alleged that the petitioner uploaded objectionable content on social media, thereby hurting his religious sentiments. However, during the course of investigation, the complainant's statement under Section 154 Cr.P.C. and statements of witnesses under Section 161 Cr.P.C. were recorded, the place of occurrence was inspected, and a USB containing the video was taken into police custody and sent to the Forensic Science Laboratory (FSL), Lahore, for forensic examination. The report further states that the investigation was transferred from the local police to the Investigation Centre, Gulberg, and subsequently assigned to different investigating officers due to administrative transfers. During the investigation, correspondence was made with the FIA, CRO and other relevant authorities for collection and verification of evidence. The complainant subsequently produced two additional USB devices, which were taken into possession and made part of the investigation after completing the necessary legal formalities. The Investigating Officer further submits that the FSL report regarding the seized USB has not yet been received despite reminders having been issued to the concerned authorities. Since the forensic report is essential for completing the investigation, the challan under Section 173 Cr.P.C. could not yet be submitted before the trial Court. Accordingly, the investigation is still in progress, and upon receipt of the FSL report and completion of the remaining investigation, the final report under Section 173 Cr.P.C. shall be submitted before the competent Court in accordance with law.

6. Admittedly, the investigation is still incomplete and no report under Section 173 Cr.P.C. has yet been submitted before the competent Court. The explanation furnished by the Investigating Agency is that the forensic report from the Forensic Science Laboratory (FSL), Lahore, is still awaited. However, we have noticed from the record that the FIR was registered on 15.01.2025, and despite the lapse of a considerable period, the investigation has not reached its logical conclusion. Such inordinate delay in concluding the investigation is neither conducive to the administration of criminal justice nor compatible with the constitutional guarantee of due process and fair treatment under Articles 4 and 10-A of the Constitution.

7. At the same time, this Court is conscious that the investigation is still pending and the evidentiary material is yet to be finally evaluated by the Investigating Agency. Therefore, at this stage, it would not be appropriate for this Court to record any conclusive finding on the merits of the allegations or to exercise its constitutional jurisdiction for quashment of the FIR while the statutory process of investigation remains incomplete.

8. Nonetheless, from the material presently available on record, no tangible or legally admissible material has, so far, been shown which prima facie connects the petitioner with the commission of the alleged offence. Mere pendency of an investigation for an indefinite period, without collection of incriminating material, cannot be permitted to subject a citizen to perpetual uncertainty and harassment.

9. Accordingly, while refraining from expressing any opinion on the merits of the case, we deem it appropriate to direct the Inspector General of Police, Sindh, to personally look into the matter and ensure that the investigation is concluded strictly in accordance with law, fairly, impartially and without any further unnecessary delay. If, upon completion of the investigation, no sufficient incriminating material is found against the petitioner, the Investigating Officer shall, without delay, submit an appropriate report for cancellation/annulment of the proceedings before the competent Magistrate under Section 173 Cr.P.C., enabling the learned Magistrate to pass appropriate orders in accordance with law. The entire exercise shall be completed within three (03) weeks from the date of receipt of this order.

10. With the above observations and directions, this Constitutional Petition stands disposed of.

11. Needless to observe that any observations made herein are tentative in nature and shall not prejudice either party before the competent Court, which shall independently examine the final report and pass orders strictly in accordance with law.

JUDGE

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