

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4306 of 2026
(Muhammad Sohail Memo & others v Government 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. Muhammad Hanif, Advocate, for the Petitioner.

ORDER

Adnan-ul-Karim Memon, J. – Petitioners have filed this petition under Article 199 of the Constitution seeking to pass an order for quashing FIR o. 299/2026 under Section 365-B PPC read with Section 3(i) of the Prevention of trafficking in Persons Act, 2018, registered at police station Korangi, Industrial Area, Karachi, and also seek direction by restraining the official respondents from harassing the petitioners till final disposal of the instant petition.

2. We asked the counsel, how this petition is maintainable under Article 199 of the Constitution for quashing the subject F.I.R on the premise that Mst. Hira stated before the learned Magistrate that on 18.03.2026, she had gone to Mehran Town Market with her father. While she was waiting there, several persons allegedly arrived, forcibly abducted her, rendered her unconscious, and took her to an unknown place. After regaining consciousness, she found herself confined with several individuals, including persons whom she identified by name. She alleged that those persons informed her that she had been sold for Rs. 500,000 and threatened that she would not be allowed to leave alive unless she agreed to marry one of them. She further stated that she could identify all the accused persons as well as the place where she was allegedly confined. She concluded by requesting that strict legal action be taken against all those involved and that they be awarded severe punishment in accordance with law.

3. Learned counsel for the petitioners submits that the petitioners are businessmen who have been falsely implicated in FIR No. 299/2026 registered at Police Station Korangi Industrial Area under Section 365-B PPC read with Section 3(1) of the Prevention of Trafficking in Persons Act, 2018. He contends that the impugned FIR is the outcome of personal enmity and an ongoing property dispute between the parties, with several civil suits and proceedings under Sections 22-A & 22-B Cr.P.C. already pending. According to the learned counsel, the criminal law has been maliciously set into motion to harass, humiliate and pressurize the petitioners. He further submits that the petitioners have already been granted pre-arrest bail, which has been confirmed by the competent Court

after observing that no recovery was effected from them. He argues that there is no incriminating material connecting the petitioners with the alleged offence and that even if the contents of the FIR are accepted at their face value, they do not constitute the offences alleged. Learned counsel further points out that the statements recorded under Sections 161 and 164 Cr.P.C. of Mst Hira Bibi contain material contradictions, rendering the prosecution case doubtful. He submits that the continuation of the criminal proceedings amounts to an abuse of the process of law and violates the petitioners' fundamental rights guaranteed under Articles 4, 9, 10-A, 18 and 25 of the Constitution. He therefore prays that the impugned FIR and all consequential proceedings be quashed, the respondents be restrained from harassing the petitioners, and directions be issued to the official respondents to disclose any other criminal proceedings, if any, pending against them and to act strictly in accordance with law.

4. We have heard the learned counsel for the petitioners, examined the record available before us, and considered the statement of Mst. Hira recorded under Section 164 Cr.P.C.

5. It is apparent from the record that the allegations levelled by the complainant/prosecutrix are serious in nature, wherein she has specifically narrated the circumstances of her alleged abduction, confinement, and threats, and has also identified the persons allegedly involved in the occurrence. At this stage, the statement of the prosecutrix recorded before the learned Magistrate cannot be brushed aside or discarded merely based on the defence plea of mala fide or personal dispute between the parties.

6. It is settled law that the constitutional jurisdiction under Article 199 of the Constitution is to be exercised sparingly and only in exceptional circumstances where the allegations contained in the FIR, even if taken at their face value, do not disclose commission of any offence or where continuation of proceedings would amount to a clear abuse of the process of law. In the present case, the contents of the FIR, coupled with the statement of the prosecutrix under Section 164 Cr.P.C., prima facie disclose commission of cognizable offences requiring thorough investigation. The alleged contradictions, if any, in the statements recorded under Sections 161 and 164 Cr.P.C. are matters relating to appreciation of evidence and cannot be examined at this stage while exercising constitutional jurisdiction for quashment of FIR.

7. However, we are also mindful of the petitioners' grievance that they have been implicated due to a property dispute and personal differences. Therefore, a fair, impartial and transparent investigation is essential to ensure that neither any innocent person is subjected to unnecessary harassment nor any guilty person escapes the process of law.

8. Accordingly, the Investigating Officer is directed to ensure that the investigation is conducted strictly in accordance with law, fairly and without any fear or favour. The Inspector General of Police, Sindh, shall nominate a police officer not below the rank of Deputy Superintendent of Police (DSP) to supervise and conduct further investigation of the matter. The nominated officer shall examine the entire record, collect all relevant evidence, and submit a fresh report under Section 173 Cr.P.C. before the competent Court within a period of three (03) weeks.

9. Needless to observe that the competent Court shall independently examine the final report and proceed in accordance with law. Any observations made herein are tentative and shall not prejudice the rights of either party during the course of trial or further proceedings.

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

JUDGE

JUDGE

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