

**IN HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No.D-551 of 2026

[Murtaza through attorney Imran Ali Shaikh v. D.G. National
Cyber Crime Investigation Agency and others]

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Riazat Ali Sahar

Petitioner : Murtaza through attorney Imran Ali Shaikh through Mr. Jeewat Ram, Advocate.

Respondents : Director General National Cyber Crime Investigation Agency and others through Mr. Ghulam Abbas Sangi, Assistant Attorney General for Pakistan.

Date of Hearing : 21.04.2026

Date of Decision : 21.04.2026

ORDER

RIAZAT ALI SAHAR. J. - This Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, has been instituted by the petitioner seeking protection of his fundamental rights against alleged unlawful, arbitrary and *mala fide* actions of the respondents, particularly issuance of repeated notices under Section 160 Cr.P.C. through informal means without disclosing the substance of allegations, thereby causing harassment, mental agony and apprehension of coercive action without due process of law.

2. The petitioner is a owner of an IT services company, M/s Novatra Solutions (SMC-Pvt) Ltd, duly registered with SECP. On 05.03.2026, he received a notice via WhatsApp requiring his appearance before respondent No.2 in connection with an inquiry allegedly initiated on the complaint of respondent No.3 concerning an online investment dispute. Per petitioner, the notice is lacking material particulars of the allegations and through his counsel he responded and clarified that respondent No.3 had engaged his company for IT services and had made payments against duly completed and acknowledged services. Supporting documents

including invoices, transaction records and email acknowledgments were provided. Despite this, another notice was issued for appearance. Subsequently, both notices were sent together via courier, raising concerns of procedural irregularity and *mala fide* intent. The petitioner stated that respondent No.3, after receiving services, initiated a false complaint with ulterior motives and that the conduct of respondents is causing harassment and threatening his reputation and business without lawful justification.

3. Learned counsel for the petitioner contends that the impugned notices are illegal, vague and issued without lawful authority, as they fail to disclose specific allegations, thereby depriving the petitioner of an effective opportunity to respond. He contends that service of notices through WhatsApp, followed by irregular courier dispatch, reflects procedural impropriety and *mala fide*. He further contends that the dispute, if any, is of civil nature arising out of provision of services duly performed and acknowledged and its conversion into a criminal inquiry amounts to abuse of process of law. Learned counsel further contends that such actions violate the petitioner's fundamental rights, including due process and dignity and prayed for restraint against coercive measures and for a transparent inquiry in accordance with law.

4. On the other hand, learned Assistant Attorney General opposed the petition and contends that the notices were issued in accordance with law for the purpose of inquiry and do not constitute any coercive action. He contends that the petitioner has been afforded opportunity to appear and explain his position and no adverse action has yet been taken. He further contends that the investigating agency is competent to inquire into complaints received and that interference at this preliminary stage would hinder lawful proceedings. He prayed for dismissal of the petition.

5. Heard learned counsel for the parties and perused the available record.

6. From perusal of the record, it transpires that the petitioner has primarily challenged the issuance of notices under Section 160 Cr.P.C. on the ground that the same are vague, lacking in particulars and communicated through informal means,

including WhatsApp, followed by a subsequent courier dispatch containing multiple notices. The grievance of the petitioner revolves around alleged harassment, apprehension of coercive action and violation of due process.

7. It is an admitted position that the matter is presently at the stage of inquiry and no formal proceedings of a coercive nature have been initiated against the petitioner. The law empowers the investigating agency to call for attendance of a person for the purpose of inquiry; however, such authority is to be exercised strictly in accordance with law, ensuring fairness, transparency and adherence to procedural safeguards. The requirement to disclose sufficient particulars of allegations is inherent in the principle of fair treatment so that a person may meaningfully respond to the inquiry.

8. In the present case, the manner in which notices have been issued, initially through WhatsApp and thereafter through a consolidated courier communication, does raise concerns regarding procedural propriety. Furthermore, the absence of clear and specific details of the complaint in the notices tends to support the contention of the petitioner that he has not been afforded an adequate opportunity to understand and respond to the allegations. At the same time, it cannot be overlooked that the inquiry is still at a preliminary stage and the investigating agency is within its domain to examine the complaint. Interference by this Court at this stage, by completely halting the inquiry, would not be justified. It would be appropriate to refer a **Judgment** dated 06.03.2025 passed by this court in the *unreported* cases of **Rahim Bux Phulpoto & others v. Federation of Pakistan & others (C.P. No.D-275 of 2025)**, **Riaz Ahmed Mangi & others v. Federation of Pakistan & others (C.P. No.D-276 of 2025)**, an **Order** dated 25.03.2025 in **Syed Momin Hussain Shah v. Federation of Pakistan & others (C.P. No.D-508 of 2025)** and **Order** dated 19.02.2026 in **Muhammad Muneeb v. Federation of Pakistan and others (C.P. No.D-327 of 2026)**, whereby the petitioners therein challenged the **FIA's** functions relating to inquiries, investigation and registration of case, which have been elaborately discussed. **However, it is equally incumbent upon the authorities to ensure that the process of inquiry does not transgress the bounds of law or**

result in unnecessary harassment. The FIA is under obligation to strictly act in terms of Federal Investigation Agency Act, 1974 and the Federal Investigation Agency (Inquiries and Investigations) Rules, 2002.

9. Keeping in view the above facts and circumstances, while refraining from interfering into inquiry proceedings, we deem it appropriate to direct that respondent No.2 shall, before requiring further attendance of the petitioner, provide him with a clear statement of allegations along with relevant particulars enabling him to respond effectively. The petitioner shall cooperate with the inquiry and appear before the competent authority as and when required in accordance with law. The respondents are also expected to ensure that all future communications are made through legally recognized and proper modes.

10. The petition stands **disposed of** in the above terms.

JUDGE

JUDGE

Abdullahchanna/PS