

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. D-1350 of 2025.

[Irfan Ali vs. Province of Sindh and others].

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Constitutional Petition No. D-1351 of 2025.

[Irfan Ali vs. Province of Sindh and others].

Before:-

Mr. Justice Amjad Ali Bohio,

Mr. Justice Ali Haider 'Ada'.

Date of hearing : 07.04.2026.

Date of Decision : 07.04.2026.

Date of Reasons : 09.04.2026.

M/s Khan Muhammad Sangi and Sikandar Sadar Siddiqui,
Advocates for Petitioner, (In both Petitions).

Mr. Saeed Ahmed Wassan, Assistant Advocate General,
Sindh.

Mr. Imran Mobeen Khan, Assistant Prosecutor General, Sindh.

ORDER

ALI HAIDER 'ADA' J.— Both the above-captioned petitions are hereby decided together, as similar questions of law and facts arise between the same parties.

2. The petitioner has impugned FIR No. 17 of 2025, registered under Section 397 PPC at Police Station Qamardin, Naushehro Feroze, lodged by Respondent No. 5/complainant, namely Ghulam Mustafa, and seeks its quashment through Constitutional Petition No. D-1350 of 2025. In another Constitutional Petition No. D-1351 of 2025, the petitioner seeks quashment of FIR No. 72 of 2025, registered under Sections 506(2), 504, 337-H(ii), 147, 148 PPC at Police Station Moro, lodged by the same complainant, who has been cited as Respondent No. 5.

3. Learned counsel for the petitioner mainly argued that both FIRs were registered with mala fide intention, as civil litigation is pending between the parties. It was contended that the FIRs have

been lodged merely to settle personal scores, and that there is no truthfulness in the allegations. He, therefore, prayed for quashment of the FIRs.

4. On the other hand, learned law officers submitted that the investigation has been carried out in accordance with law and that there is no mala fide on the part of the police. They further contended that there is no hard and fast rule that an FIR can be quashed solely on the ground of pendency of civil litigation, and thus prayed for dismissal of the petitions.

5. Arguments heard. Record perused.

6. First and foremost, it is to be examined as to the nature of the civil litigation pending between the parties. In this regard, it reflects from the record that the complainant, Ghulam Mustafa, has filed Civil Suit No. 188 of 2024 against the present petitioner and others, seeking declaration, cancellation of a registered sale deed, specific performance of contract, and permanent injunction. The said suit arises out of an agreement executed between the parties; however, it is alleged that the father of the present petitioner failed to fulfill the terms and conditions of the agreement and subsequently transferred the property, which led to the filing of the said civil suit, presently pending adjudication.

7. Upon perusal of the record, it appears that the FIRs in question have no nexus with the aforesaid civil transaction, nor can it be said that they were lodged on account of breach of contract. Rather, the contents of the FIRs disclose the commission of cognizable offences; one pertains to the offence of robbery or dacoity, while the other relates to causing injuries as well as extending threats of dire consequences.

8. It is a well-settled principle of law that where an FIR prima facie discloses the commission of a cognizable offence, the same

cannot ordinarily be quashed at the initial stage, particularly when the matter squarely falls within the domain of the investigating agency.

9. Furthermore, it is equally well recognized that civil and criminal proceedings can run simultaneously, and the pendency of a civil dispute does not bar the initiation or continuation of criminal proceedings. Both remedies are independent and can proceed in parallel, subject to their own merits and evidentiary requirements. In this regard, reliance is placed on the cases of *Seema Fareed and others v. The State and another* (2008 SCMR 839), *Misbah Karim v. Federation of Pakistan and others* (2016 PLD Sindh 462- DB).

10. Even otherwise, any factual controversy can only be resolved after recording evidence, which requires proper examination and assessment of both sides' material. Such an exercise cannot be undertaken by this Court while exercising its Constitutional jurisdiction. The petitioner, being an accused, has an adequate and effective remedy to raise his defence before the Investigating Officer and, if necessary, before the trial Court. Entertaining this petition at this stage would amount to unnecessary interference in the investigation process. In this regard, reliance is placed on the case of *Balquiz Ali Shah alias Attaullah Khan v. Wrashem Gul and others* (PLD 2025 Peshawar 36).

11. It is also a settled principle of law that once the allegations in an FIR disclose the commission of a cognizable offence, the matter must be investigated and, if required, taken to trial. This process should not be blocked by prematurely quashing the FIR. In *Dr. Ghulam Mustafa v. The State and others* (2008 SCMR 76), it was held that the High Court cannot act as an investigating agency and normally has no jurisdiction to quash an FIR while exercising constitutional powers under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, or under Section 561-A, Cr.P.C.,

unless exceptional circumstances are shown. A mere claim of defence does not qualify as such an exceptional circumstance. Similarly, in *Muhammad Mansha v. SHO, Police Station (City) Chiniot, District Jhang and others* (PLD 2006 SC 598), the Honourable Supreme Court held that the question of guilt or innocence of an accused falls within the exclusive domain of the trial Court and should not be interfered with at an early stage unless exceptional circumstances exist.

12. In view of the foregoing facts and circumstances, the instant constitutional petitions, being devoid of merit, are hereby dismissed, along with all pending applications.

These are the detailed reasons for the short order dated 07.04.2026.

JUDGE

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