

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1569 of 2026

[Farhan Ali vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. Aijaz Ali Bhutto, Advocate
Respondents	By Mr. Nazar Muhammad Memon, Additional Prosecutor General a/w Sip Riaz Hussain
Date of hearing	15.10.2026
Date of Decision	15.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J:- The petitioner being student of 17 years, has filed this constitutional petition under Article 199 of the Constitution, challenging the registration of FIR No.50/2026 dated 31.07.2026, under Sections 4/8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Mainpuri Gutka Act, 2019, at Police Station Gupchani, District Shaheed Benazirabad.

2. The learned counsel for the petitioner submits that the petitioner was illegally apprehended at the instigation of respondent No.4 / SIP Abdul Razzaque and falsely implicated in the aforementioned FIR on the allegation of recovery of 210 grams of Z-21 Gutka and Rs.250/- cash. He asserts that the alleged recovery was planted and that the FIR is a result of mala fide, abuse of authority, and misuse of police powers. He further submits that an inquiry conducted by the then SSP, Shaheed Benazirabad, culminated in a report dated 30.08.2023, which found neither him nor his brother involved in the business or sale of Z-21 Gutka. Affidavits dated 25.08.2023, executed by respectable persons of the locality, also support his claim of non-involvement. The counsel contends that, despite the earlier inquiry and supporting affidavits, the police deliberately implicated him in a false criminal case. Being a minor, he claims entitlement to protection under the applicable juvenile justice laws and asserts that the impugned action violates Articles 4, 9, 10-A and 14 of the Constitution. He further alleges illegal raids, harassment, threats, extortion, and apprehension of himself and his family members in criminal cases. Although he has been admitted to bail, he maintains that the subsequent criminal proceedings continue to cause him hardship and humiliation and now seeks a declaration that the impugned FIR is illegal, mala fide and without lawful authority; a fair and impartial inquiry by an officer not below the rank of DSP from outside the district, after considering the earlier inquiry report and

affidavits; an inquiry into the conduct of the concerned police officials; and directions restraining the respondents from harassing or subjecting him to unlawful or coercive action, in accordance with law.

3. The learned AAG, relying upon the report submitted by the SHO, Police Station Gupchani, submits that FIR No.50/2026 under Sections 4/8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Mainpuri Act was registered against the petitioner on 31.07.2026 for his involvement in the prohibited business of gutka and mainpuri. He contends that, after completion of investigation, the final challan under Section 173 Cr.P.C. was submitted before the competent Court for trial in accordance with law. He further submits that the allegations of unlawful conduct and misuse of authority against the local police are unsupported by the available record, as the police acted in discharge of their statutory duties. Accordingly, the allegations against the police officials are denied.

4. We have heard the learned counsel for the petitioner and the learned AAG and have examined the available record.

5. The principal grievance of the petitioner relates to the alleged false implication in FIR No.50/2026, the alleged planting of prohibited gutka, and harassment at the hands of police. However, the FIR has been registered, investigation has been completed, and the final challan under Section 173 Cr.P.C. has been submitted before the competent Court for trial. At this stage, the disputed questions concerning the alleged recovery, the petitioner's involvement, and the veracity of the prosecution's allegations are matters to be examined by the trial Court based on evidence. The alleged inquiry report dated 30.08.2023 and the affidavits relied upon by the petitioner, even if taken into consideration, do not by themselves establish that the subsequent FIR is mala fide or that the alleged recovery was fabricated. In the absence of cogent material demonstrating patent illegality, lack of jurisdiction, or abuse of process warranting interference under Article 199 of the Constitution, this Court cannot undertake a parallel assessment of disputed facts or substitute its findings for those of the competent criminal Court. The petitioner's minority, nevertheless, requires that all applicable safeguards under the Juvenile Justice System Act, 2018, and other relevant laws be duly observed by the investigating agency and the trial Court.

6. In view of the foregoing, we find no sufficient ground, or the material presently available, to declare the impugned FIR illegal or to quash the criminal proceedings through the extraordinary constitutional jurisdiction of this Court. The allegations of harassment, threats, extortion and abuse of authority, being disputed, need to be looked into by the competent authority of the Police hierarchy if approached, the same shall be considered. The petitioner, however, shall be at

liberty to place the earlier inquiry report and supporting affidavits before the competent trial Court, which shall hear the petitioner and consider his point of view and pass a reasoned order by calling reports, and the petitioner shall also be at liberty to avail any other remedy available under the law, including approaching the competent police authority for an impartial inquiry into any specific misconduct on the part of delinquent police officials supported by material. The respondents are expected to act strictly in accordance with law and shall not subject the petitioner or his family to unlawful harassment or coercive measures outside the authority of law.

7. The constitutional petition is accordingly disposed of along with the pending applications, if any, with no order as to costs.

JUDGE

JUDGE