HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2088 of 2026

[Syed Anwer Ali Shah vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Irfan Ali Khaskheli advocate
Respondents:	Through Mr. Rafique Ahmed Dahri Additional A.G Sindh and Mr. Siraj Ahmed Bijarani Assistant P.G a/w SIP Ayaz Hussain Mallah
Date of hearing & Decision:	03.11.2026

O R D E R

ADNAN-UL-KARIM MEMON J The petitioner has filed this Constitutional Petition seeking quashment of FIR No.11/2026, registered at Police Station Bachalpur, District Shaheed Benazirabad, under Sections 123-B, 124-A, 353, 427, 506(2), 147, 148, 149 and 504 PPC read with Sections 6 and 7 of the Anti-Terrorism Act, 1997.

2. Learned counsel submits that the petitioners are associated with Qazi Ahmed Action Committee and had visited the police station peacefully to inquire about the whereabouts of one Hameer Junejo, who was allegedly taken away. According to them, they were unarmed, raised no violence, and left the police station upon receiving assurances from police officials. However, after their departure, the impugned FIR was registered against them, alleging rioting, interference with official duties, damage to government property, criminal intimidation and desecration of the national flag. The petitioners assert that the allegations are false, mala fide, and retaliatory on account of their civic activities and that available video recordings and photographs establish their peaceful conduct. He further seeks transfer of investigation to an independent officer and contends that the invocation of the penal provisions and the Anti-Terrorism Act is unwarranted.

3. The SHO, Police Station Bachalpur, has denied the allegations and contended that on 12.09.2026, petitioner Syed Anwar Ali Shah, along with a large number of members of the Qazi Ahmed Action Committee, unlawfully assembled at the police station and indulged in violent and riotous activities. They misbehaved with police officials, obstructed official duties, removed and tore the National Flag of Pakistan and damaged government property, including tables and chairs in the SHO's office. It is asserted that the petitioners' claim of having visited the police

station peacefully and left upon receiving assurances is false and an attempt to evade criminal liability. Accordingly, FIR No.11/2026 was registered against the petitioner and his associates in accordance with law. The SHO further states that the petitioner has concealed the actual facts and that the case has already been challaned before the competent Court of law.

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

5. The controversy raised in the petition involves disputed questions of fact regarding the alleged occurrence at Police Station Bachalpur, particularly the respective roles attributed to the petitioner and other persons, which cannot appropriately be determined in constitutional jurisdiction at this stage. However, it is significant that the Anti-Terrorism Court, Shaheed Benazirabad, vide order dated 13.10.2026, has found the basic case to be faulty. In view of such finding, the petitioner's request for an impartial investigation cannot be brushed aside, particularly when serious allegations have been levelled by the police as well as the petitioners against each other.

6. In these circumstances, we deem it appropriate to direct DIGP, Shaheed Benazirabad, to order reinvestigation of FIR No.11/2026 through a DSP, in accordance with the observations made by the Anti-Terrorism Court in its order dated 13.10.2026. The reinvestigation shall be conducted by an honest, impartial and competent police officer, strictly in accordance with law, without fear, favour or external influence. The investigating officer shall independently examine the entire available material, including video recordings, photographs, statements of witnesses and the respective versions of the parties, and shall not be influenced by the earlier investigation or any preconceived opinion.

7. Upon completion of the reinvestigation, the investigating officer shall submit a report before the competent Magistrate in accordance with law for appropriate orders. Needless to observe that this exercise shall be undertaken fairly and expeditiously, without prejudice to the rights and contentions of either party.

8. With the above directions, this Constitutional Petition stands disposed of.

JUDGE

JUDGE

Karar_Hussain/PS*