JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

W.P. NO. 1711 OF 2025

IRFAN ALI, ETC.

VS

S.H.O P.S KHANNA, ISLAMABAD ETC.

Petitioners by	**:**	**Mr. Fawad Haider, Advocate.**
Respondents by	**:**	**Mr. Tasawar Iqbal, State Counsel.** **Mr. Tipu, A.S.I P.S Khanna.**
Date of hearing	**:**	**24.06.2025**

MUHAMMAD AZAM KHAN, J.

1. Through the instant Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as the **"Constitution"**), the Petitioners seek directions to the Respondents not to harass them or summon them and their relatives to the police station.

2. The brief facts of the case, as per the contents of the petition, are that despite having surrendered to the competent Courts in connection with FIRs registered against the Petitioners, with some matters resulting in acquittals and others sub judice, they continue to face harassment by the local police. Allegations include unlawful detention, intimidation, threats, workplace harassment, and coercion. The Petitioners further contend that they had approached the higher police authorities as well as the learned Sessions Judge (East) / Ex-Officio Justice of Peace under Sections 22-A and 22-B of the Code of Criminal Procedure, 1898, and obtained relief in the form of directions to the police to act strictly in accordance with law and to refrain from causing harassment; however, the said directions were willfully disregarded by the Respondent police officials.

3. The learned counsel for the Petitioners asserts violations of fundamental rights enshrined under Articles 2-A, 3, 4, 9, 14, 18, and 25 of the Constitution. He refers to the Police Rules, 1934 and Section 55(1) Cr.P.C., emphasizing that

arbitrary arrest or coercive action without reasonable cause and due process is illegal and unconstitutional. He urges the Court to direct the Respondents to cease all forms of unlawful harassment and summoning without lawful authority.

4. On the other hand, the learned State Counsel opposed the petition, while submitting that the allegations are unsubstantiated, generalized, and unsupported by documentary or independent evidence. He maintains that the police have acted within the confines of law and that no violation of the Petitioners' fundamental rights has occurred.

5. After hearing the parties and perusing the record, this Court is of the considered view that:-

i. While the State is empowered to investigate and prosecute criminal offences, such authority must be exercised strictly in accordance with the law.

ii. Arbitrary or retaliatory action by police officials, particularly in cases where judicial protection has already been granted (through Court orders), cannot be condoned.

iii. Unlawful detention, threats, and harassment without registration of a cognizable offence, or in defiance of judicial directives, constitute a grave violation of the fundamental rights guaranteed under Articles 4, 9, and 14 of the Constitution.

6. In the instant case, the Petitioners have presented a prima facie case of ongoing harassment. They have approached the Sessions Court / Ex-Officio Justice of Peace under Sections 22-A and 22-B Cr.P.C., where relief was granted in the form of directions to the police to refrain from harassment. However, it has been alleged, and not specifically denied, that the police continued to ignore that order. The role of the Ex-Officio Justice of Peace is to protect individuals from illegal harassment by the police, and the police is bound by law to comply with such directions unless they are set aside or modified by a competent Court. The failure of the Respondents to follow the judicial order demonstrates a disregard for the rule of law. Although the Respondents deny such conduct, they have not produced any material to refute the specific allegations or to explain the disregard of the order passed by the Justice of Peace.

7. In view of the above, the instant Writ Petition is **allowed**, and the Respondents are directed not to harass the Petitioners or their family members

unlawfully by summoning or detaining them without due process of law and without registration of a cognizable offence, in accordance with Sections 54 and 55 Cr.P.C. If any actionable information exists against the Petitioners, the same shall be dealt with strictly in accordance with law, following lawful procedure and due safeguards. The Respondents shall also adhere strictly to the order of the Ex-Officio Justice of Peace.

(MUHAMMAD AZAM KHAN)
JUDGE

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