**JUDGMENT SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**

**W.P. NO. 1715 OF 2025**

**IJAZ AHMED & ANOTHER.**

**Vs.**

**FEDERAL INVESTIGATION AGENCY, ETC.**

**Petitioners by : Mr. Wahid Iqbal, Advocate.**

**Respondents by : Raja Zamir-ud-Din Ahmed, A.A.G.**
**Syed Ali Raza Gardezi and Mr. Haris Bin Abdul Jabbar, A.D NCCIA.**

**Date of hearing : 26.09.2025**

**MUHAMMAD AZAM KHAN, J.**

**1.** Through the instant Writ Petitions filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as the **"Constitution"**), the Petitioners seek issuance of directions to the Respondents, not to interfere in the business affairs carried out by the Petitioners and not to harass the Petitioners for ill-gotten gains, and also to unblock the bank accounts of the Petitioners.

**2.** The brief facts of the case, as per the contents of the petition, are that Ijaz Ahmed **("Petitioner No. 1")** has a business in the name and style of "Buraq Traders", and he opened Account No. 98850105572547 in Meezan Bank Limited, Sialkot in the year 2021. On 11.12.2023, one Abdul Rauf, a Wholesaler, placed an order to the Petitioner No. 1 for purchasing shopping bags and credited Rs. 140,400/- online in the bank account of the Petitioner No. 1. After a few days, he came to know that his account was blocked due to a disputed transaction of Rs. 140,400/-. Petitioner No. 1 appeared before the Federal Investigation Agency (FIA) authorities and provided the available record and consequently, his bank account was unblocked. In January, 2025, the bank informed the Petitioner No. 1 that it has received an email from the Respondent No. 2 to block the bank account of Petitioner No. 1 and advised him to approach Respondent No. 2. Petitioner No. 1 appeared and informed the authorities that an enquiry was earlier conducted by the FIA against him and he was exonerated of the charges by the Inquiry Officer.

**3.** Petitioner No. 2 has a UBL bank account No. 0217314528528. On 03.09.2024, Petitioner No. 2 received Rs. 208,500/- from one Muhammad Arslan; on 18.09.2024, received an amount of Rs. 506,000/- from Muhammad Ahmed; and on 15.10.2024, received an amount of Rs. 272,000/- from Umar Akbar. Each time after an amount was credited, his account was blocked and later on unblocked but the amounts were withheld by the Respondents. On 11.03.2025, the Petitioners approached Respondent No. 5, and they came to know that Enquiry No. 4253/2024 and Enquiry No. 3525/2024 were pending against Petitioner No. 2. After provision of all relevant documents to Respondent No. 5, an email was sent to Respondent No. 6 to unblock the withheld amount. On 03.04.2025, when the Petitioners approached Respondent No. 6 for withdrawal of the amount, they were informed that Enquiry No. 1230/2024 and Enquiry No. 319/2025 were pending against the Petitioner, therefore, the amount cannot be released. The Petitioners again approached the Respondents No. 3 & 4 who shared notices of enquiries via WhatsApp. Being aggrieved by the notices under Section 160 of the Code of Criminal Procedure, 1898 (Cr.P.C.) dated 10.04.2025 and 04.07.2025, the Petitioners have filed the instant petition.

**4.** The learned counsel for the Petitioners contended that the process of enquiry initiated by the Respondents is illegal, unjust and without lawful authority, particularly when the Petitioners have already faced enquiries by the FIA on the same issues, and the Inquiry Officer after thorough probe directed the bank to unblock the account of the Petitioners; that the matter relates to criminal liability and the initiation of *de novo* enquiry is not permissible under the law, as it amounts to offering an opportunity to the prosecution to fill in the gaps; that the amounts of the Petitioners that were blocked, relate to three different persons namely Muhammad Arslan, Muhammad Ahmed, and Umar Akbar, who are not the complainants (mentioned in the notices of FIA), rather these persons have confirmed and have executed affidavits confirming genuine business transactions with the Petitioners, and those affidavits have been submitted to the FIA.

**5.** On behalf of Respondents No. 1 to 5, it is argued that five inquiries are ongoing against the Petitioners in different National Cyber Crime Investigation Agency (NCCIA), having different complainants who are victims of online/electronic financial frauds on different pretexts. It is prayed that the instant petition may kindly be dismissed and the Petitioners may be directed to join the

enquiry proceedings to record their true version as per allegations of aforementioned enquiries.

**6.** I have heard learned counsel for the parties and perused the record with their able assistance.

**7.** Upon careful examination of the record and arguments presented, it is found that the Petitioners have approached this Court primarily seeking protection from alleged harassment in the form of repeated blocking of their bank accounts and initiation of multiple enquiries. Petitioner No. 1's account with Meezan Bank was initially blocked due to a disputed transaction of Rs. 140,400/-, but following his appearance before the FIA and submission of relevant records, the enquiry officer exonerated him and directed the unblocking of the account. Despite this, his account was again blocked on fresh directions, indicating that the authorities have initiated subsequent proceedings or received new complaints warranting further inquiry. Petitioner No. 2 similarly faced recurrent blocking of his UBL bank account following receipt of substantial amounts from multiple individuals. These amounts were withheld in respect of Enquiries No. 4253/2024, 3525/2024, 1230/2024 and 319/2025 pending before the authorities.

**8.** It is worth noting that the Petitioners, rather than cooperating with the FIA and assisting in the ongoing inquiry/inquiries as required by law, have unnecessarily and prematurely approached this Court. Instead of following the proper legal procedure and engaging with the FIA, the Petitioners have acted hastily by seeking judicial intervention in a matter that is clearly not yet ripe for adjudication.

**9.** According to the legal principles established in *Ghulam Hussain Baloch and another v. Chairman, National Accountability Bureau, Islamabad and 2 others* **(PLD 2007 Karachi 469)**, *Niaz A. Baloch v. Chairman, National Accountability Bureau and 2 others* **(2008 PCr.LJ 1463)**, and *Maqbool Ahmed v. Station House Officer, Police Station Changa Manga, District Kasur and another* **(1999 PCr.LJ 1198)**, a plain reading of Section 160 of the Cr.P.C. demonstrates that an Investigating Officer is empowered to seek information from "any person." The term "any person" includes not only witnesses but also accused individuals. Thus, a holistic interpretation of Sections 160 and 161 of the Cr.P.C. shows that "any person" encompasses an accused or a suspect who may have

participated in the alleged offence or possesses relevant information regarding the crime. Therefore, anyone reasonably expected to be knowledgeable about the facts and circumstances of the alleged offence, including suspects and accused persons, falls within the ambit of those from whom information may be lawfully requested.

**10.** The issue in the present matter is merely a notice issued under Section 160 of the Cr.P.C. Through this notice, the FIA requires the Petitioners' presence to record their version. The purpose of their attendance is to determine whether the Petitioners possess any information or materials related to the alleged offence under investigation or whether the Petitioners are connected to the matter in question. This constitutes a statutory obligation and a mandatory duty that cannot be obstructed or delayed. Moreover, the issuance of such a notice, aimed at facilitating the Petitioner's participation and cooperation in an ongoing inquiry, does not amount to an adverse action that infringes upon the Petitioners' rights. In essence, the matter has not yet reached a stage warranting interference by this Court.

**11.** The matter is therefore premature and not ripe for interference under Constitutional jurisdiction. Since the present issue concerns only a notice, no intervention by this Court is warranted at this stage. Interference may only be considered once the process or action in question has progressed beyond the notice to a stage where it becomes complete and suitable for judicial adjudication.

**12.** The doctrine of prematurity and ripeness holds that a matter is not suitable for adjudication under Constitutional jurisdiction if it is either premature or not yet ripe for determination. This is particularly so when the challenged act or executive step does not cause any concrete grievance that can be effectively remedied by law. Additionally, the timing of the challenge may coincide with an ongoing process that has not yet culminated in a final decision, or the litigant may still have alternative avenues for redress aside from invoking Constitutional jurisdiction.

**13.** The Courts in Pakistan have noted with disapproval the action of agitating grievances that are not ripe or in respect of which the stage is yet premature to act or show indulgence. In *"Virasat Ullah v. Bashir Ahmad, Settlement Commissioner (Industries) and another"* (1969 SCMR 154), the Hon'ble Supreme Court of Pakistan

has deprecated the filing of a Constitutional Petition against mere issuance of notice by the Settlement Commissioner asking the petitioner to justify benefits emanating out of settlement. In *"Khalid Mahmood Ch. and others v. Government of the Punjab through Secretary, Livestock and Dairy Development"* (2002 SCMR 805), the Hon'ble Supreme Court of Pakistan has ruled that issuance of notice was a preliminary stage and therefore, premature for the purpose of invoking Constitutional jurisdiction. In *"Abdul Raheem Khan, Executive Manager (Operation) MEPCO 1st Division, D.G. Khan v. Managing Director PEPCO, WAPDA House, Lahore and 2 others"* (2011 PLC (C.S.) 1551) a Division Bench has also deprecated the filing of a Constitutional Petition against mere issuance of notice.

**14.** In this context, undeveloped matters are ill-suited for adjudication through judicial review proceedings. Entertaining judicial review at such an early stage would effectively hinder the performance of statutory duties and obligations. In the present case, any interference at this juncture would impede the Federal Investigation Agency's lawful responsibility to conduct inquiries into offences within its jurisdiction. Hence, the instant petition is hereby **dismissed**, being premature.

**(MUHAMMAD AZAM KHAN)**
**JUDGE**

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