

OFFICE OF THE FEDERAL OMBUDSPERSON
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, REGIONAL OFFICE, PESHAWAR
FORM OF ORDER SHEET

Complaint No. 143/2025

Date of Institution: 24.04.2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Regional Commissioner Peshawar for Federal Ombudsman			
		TITLE	MISS. UROOBA ZEB AKHUND	VS	MR. SHAOOR AZAM & OTHERS
		DEPARTMENT: NATIONAL INCUBATOR CENTRE (GAME DISTRICT)			
1	2	3			
17	19-08-2025	<u>Subject:</u> Final order. 1. Ms. Urooba Zeb Akhund (hereinafter referred to as "<i>the Complainant</i>") has filed a complaint against Mr. Shaoor Azam (hereinafter referred to as "<i>the Accused</i>"), who is presently working at Game District, MM Alam Road, Lahore. The Complainant stated that she is a Physical Therapist and an Artist. In 2023, she enrolled in a 3D Modelling course at Horizon Games, where the Accused was her Instructor. The Accused is married and has a child; however, he concealed this fact from the Complainant. Upon discovering his marital status and attempting to end the relationship that had developed between them, the Complainant was subjected to verbal and physical abuse. Furthermore, the Accused allegedly recorded a video without her consent and, along with their pictures together, used it to blackmail her. He subsequently began demanding money from the Complainant. In an effort to resolve the matter, she approached his family and met both his mother and his wife. However, instead of receiving support, the Complainant was allegedly subjected to abuse, character assassination, and threats from the Accused's parents as well as his wife. Meanwhile, the Accused allegedly continued to defame her at their workplace, compelling her to discontinue her work there. Although the situation remained calm for a short period, after about a month the Complainant began receiving			

abusive and threatening calls from unknown numbers. Before leaving for Lahore, the Accused compelled the Complainant to meet him. During this meeting, he allegedly attempted to force himself upon her, physically assaulted her, and recorded her while she was unconscious. Thereafter, he persistently blackmailed and threatened her. Unable to withstand the pressure, the Complainant attempted suicide. She further alleged that she was continuously subjected to cyberbullying and cyberstalking by the Accused and his wife, who created more than 25 fake Instagram accounts to harass her, initiate conversations under false identities, and send messages to her sister, relatives, and friends. The Accused also allegedly sabotaged several of her marriage proposals and sent her inappropriate pictures via WhatsApp without her consent. According to the Complainant, these actions left her in a constant state of paranoia, anxiety, and fear.

2. The Complainant prayed for necessary legal action to be initiated against the Accused, restraining him from any further contact or harassment, and directing him to remove all defamatory content. She further requested imposition of a fine upon the Accused and an order directing him to pay monetary compensation to her for the mental anguish and trauma suffered.

3. Initially, the complaint was filed against Shahoor Azam and his wife, Iqra Shahoor. However, since Iqra Shahoor had no workplace relationship with the Complainant and had never visited the Complainant's office, her name was deleted upon an application filed by her. In his written reply, the Accused admitted to having a relationship with the Complainant but contended that it was a consensual personal relationship, not one arising from an employee-employer relationship or workplace hierarchical dynamics. He, therefore, argued that the provisions of the Act of 2010 were not applicable.

4. The Accused admitted to having communicated with the Complainant but stated that he had subsequently withdrawn from any further interaction. He alleged that thereafter, the Complainant engaged in persistent intrusion, threats, emotional manipulation, and repeated communication

through multiple mediums and phone numbers. He categorically denied committing any act of harassment, blackmail, defamation, stalking, or coercion, and further asserted that no verbal, physical, or digital misconduct was ever committed by him. According to the Accused, he had been residing in Lahore and working in a Gaming Software Company since 02-12-2024 and had no interaction with the Complainant during that period. He further alleged that it was the Complainant who initiated the exchange of personal content and later weaponized it to exert pressure on him. He, therefore, prayed for dismissal of the complaint.

5. The evidence of the Complainant was recorded. Thereafter, the Accused was called upon to produce his evidence; however, he stated that he did not want to produce any evidence in his defense. Arguments from both parties were heard, and the record was duly reviewed.

6. The Complainant submitted an affidavit in evidence along with screenshots of WhatsApp messages, which were verified from the original device by the AR of the Peshawar Office in the presence of the counsel for the Accused.

7. It was argued on behalf of the Complainant that the relationship between the parties was that of teacher and student; therefore, the burden of proof rested upon the Accused in the light of the judgment reported as **2019 Pakistan Criminal Law General 806**. It was further contended that the Accused failed to produce any evidence to prove that the relationship was consensual. Moreover, it was argued that, even otherwise, the question of consent was irrelevant, as the Accused was in a position of authority, and the Court is required to consider the power dynamics inherent in such relations.

8. On behalf of the Accused, it was argued that no offence was made out, as the case does not fall within the ambit of the Act of 2010. At the time the complaint was instituted, the Accused was not an employee of the organization and therefore did not fall within the definition of "Accused" under the Act of 2010. It was further contended that no element of abuse of authority was present, as he was neither the

		teacher, nor the instructor, nor the supervisor of the Complainant. Moreover, it was argued that no hostile environment had been created, and that the Complainant failed to prove any element of force or coercion. 9. The points arising for consideration in this complaint are as follows: i. Whether the relationship between the Complainant and the Accused was consensual. ii. Whether there existed a power imbalance or element of coercion at the inception of the relationship. iii. Whether the case falls within the ambit of Section 2(h)(i) of the Act of 2010. 10. According to the record, the Accused is no longer an employee of Horizon Games, where the Complainant was serving as an intern. For the matter to fall within the ambit of the Act of 2010, it must be established that the alleged harassment began during the internship period and continued thereafter, thereby affecting the Complainant's work environment. Consequently, the first issue for determination is whether the relationship between the Complainant and the Accused was consensual. 11. It is an admitted fact that the relationship between the parties began at Horizon Games. The Complainant has produced on record screenshots of WhatsApp messages exchanged between herself and the Accused. These messages contain explicit sexual content, and nothing in the Complainant's replies suggests that they were unwelcome. On the contrary, her responses indicate encouragement and a positive acknowledgement of such messages. For instance, the Accused sent kiss emojis to the Complainant, which are on record as Ex.A-5, to which the Complainant replied "<i>Haha, quite a lot of kisses</i>". In another message sent by the Accused, it was stated: <i>"good morning, my June may be, day 23rd of the month is here and I wish it's the happiest for you and us".</i>
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It was replied with, *"that's sooo romantic"* with heart emojis.

Some of the messages are highly lecherous; however, there is nothing on record to suggest that they were unwelcome. On the contrary, the responses of the Complainant to those messages are also available on the record.

12. The question that now arises is whether the Accused was in a position to coerce or exert, wither expressly or impliedly, any pressure on the Complainant to enter into a relationship with him.

If a relationship appears consensual, it may still be considered exploitative or coercive due to the imbalance of power. For instance :

In the Workplace: A relationship between a manager and a direct subordinate may constitute harassment or a violation of company policy due to the potential for coercion or favoritism.

In Education: A relationship between a professor and a student — especially when the professor has grading authority or other academic influence — is often prohibited.

The key point is that the subordinate may feel compelled to consent, either out of fear of retaliation or in the hope of receiving preferential treatment.

13. The Complainant asserted in her complaint that the Accused used to teach her and assist her in 3D modelling. During cross-examination, she stated that the Accused was her superior in terms of issuing directions and passing orders regarding her performance. However, when she was later asked to produce any written instructions issued by him, she was unable to do so. She stated that he was merely an employee and, therefore, could not issue such orders, meaning thereby that he was not the Complainant's supervisor. She further clarified that she was an intern while the Accused was already working there, and that he was not in a position to influence her career. She admitted in her evidence that, after August 2023, they continued to communicate with each other through WhatsApp and Instagram. She further acknowledged that the chats were not solely initiated by the Accused, as a considerable

number of messages had been sent by her as well. She further admitted that the WhatsApp communication continued even after the conclusion of her internship. She submitted screenshots of her communication with the Accused up to 12-08-2024, whereas her internship had ended on 01-03-2024. She claimed that the continuation of the chats was due to the Accused's alleged promise to marry her; however, she did not produce any message evidencing such a promise and conceded that no such proof was attached. She also admitted that she had met the Accused outside the office premises during and after the internship period, though she stated that she could not specify whether such meetings occurred 10 or 20 times. As the Accused was neither in a position to hire or fire, nor was he a supervisor or mentor of the Complainant, he did not possess the authority or ability to influence her actions or decisions.

14. The evidence produced by the Complainant proves that, during the internship period, her relationship with the Accused was consensual and continued for several months even after the conclusion of the internship. The absence of any power imbalance or element of coercion is also evident from the Complainant's own statement.

15. The third question is also answered in the negative. As discussed above, no act of harassment occurred during the period of employment/internship. The Complainant herself admitted in her evidence that, after the internship had ended, she visited the family members of the Accused. The conversation between the Complainant and the Accused after the conclusion of the internship also demonstrates that they continued to maintain a cordial relationship. It was only when the wife of the Accused became aware of this relationship, and the Accused failed to divorce his wife in order to marry the Complainant, that she became aggrieved and filed the present complaint.

16. There is no doubt that the conduct of the Accused, in pursuing a relationship outside his marriage, proves that he deceived his wife, and the messages exchanged between the parties are indecent in nature. However, these communications cannot be regarded as "unwelcome".

		Accordingly, the complaint does not fall within the ambit of "unwelcome sexual advance" as defined under Section 2(h)(i) of the Act of 2010 and is, therefore, dismissed.
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File be consigned.

FEDERAL OMBUDSPERSON