

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Misc. Appln No.554 of 2025

Date	Order with Signature of Judge
------	-------------------------------

- Fresh case
- 1. For orders on MA No.10568/2025.
 - 2. For orders on MA No.9083/2025.
 - 3. For hearing of main case.

05.08.2025

Mr. Aftab Akber, Advocate for the applicant.
Mr. Fayyaz Hussain Sabki, APG Sindh.

- _____
- 1. Urgency is granted.
 - 2. Exemption is granted subject to all just exceptions.
 - 3. Applicant, Imran s/o Arwan, is aggrieved by the Order dated 03.06.2025 passed by the Ex-Officio Justice of Peace, Karachi Central, dismissing his application under Section 22 (A) & (B) Cr.PC for registration of FIR against the two private respondents/alleged proposed accused, Ali Jan and Aftab. The learned Ex-Officio Justice of Peace reasoned that the dispute between the applicant and the private respondent appeared to be of a “civil nature” and disposed of the said application. Yet while he declined the applicant’s prayer directing the Official respondents to mandatorily lodge an FIR, at the same time, he ordered the Police respondents to provide legal protection to the applicant and avoid any untoward incident between the parties.
 - 3(a.) Applicant Counsel pleaded that he had a valid case for registration of FIR. The impugned Order passed by Ex-Officio Justice of Peace was contrary to law, and his observations that Respondent Nos.4 and 5 were “innocent persons” are not permissible and contrary to law.
 - 3(b.) Heard applicant Counsel. The applicant and private respondents are members of the same community whose spiritual leadership in 1999 mandated that in case of disputes between members of the community, the first port of call is mediation. This innovative approach to dispute resolution was adopted more than two and a half decades ago, in the fledgling years of the global mediation movement, at a time when even the United Kingdom was still in the process of rolling out the Woolf Reforms, of which mediation was a key component. With an estimated 15 million followers worldwide, members of the community of the

applicant and respondent Nos.4 and 5, have been pioneers of this art of negotiation, regularly engaging and embedding mediation as part of their community based effective appropriate dispute resolution mechanism. Over the years, members of the Community have well understood how to identify cases suitable for mediation, and many have been trained as mediators (based on 40 hours + training modules), as well as mediator advocates (non-lawyers assisting the mediator during the mediation). Thus, approaching the Courts (outside the community-based ADR mechanism) are usually in careful, special and well-thought circumstances. Generally, certain disputes are not suitable for mediation wherein the parties' positions are rights-based, which rights dispute may only be settled by a third-party adjudicator in a Court of law by a Judge as opposed to an interest-based dispute (involving financial and relationship needs of the parties).

3(c.) Perusal of the documents attached to the lis confirms that the tentative assessment of the learned Ex-Officio Justice of Peace that the dispute is civil in nature is correct. In the applicant's written Police Complaint dated 16.05.2025 (copy available on page 41 of the case file), the applicant has identified the key issues between the applicant against respondent nos.4 and 5, are false allegations raised by the respondent nos.4 and 5 against him (the applicant) and the management of the co-operative society; circulation of false messages in a WhatsApp Group, harassing the Cooperative Society and damaging its ("us") reputation, etc. Applicant has also attached a selection of screenshots of WhatsApp messages posted on a cellphone number (copies available on pages 49 to 53 of the case file). During arguments, Counsel conceded that the cellphone number appearing in the screenshot did not disclose the name of the WhatsApp Group. The applicant has also attached information concerning the Sindh Building Control Authority viz. the Cooperative Housing Society. It is apparent, on the face of it, based on the most tentative assessment, that the information relied upon by the applicant suggests that legal disputes have arisen between the applicant and private respondents, the recourse of which may involve invoking legal remedies available under the law for the protection of the legal rights of the parties. Incidentally, the Cooperative Society, on whose behalf the applicant has alleged that the private respondents have been raising false and fabricated allegations, was/is not impleaded as a party in the application filed before the lower forum nor is there any documentary evidence on record wherein the Society has agitated and/or is agitating the same complaint as the one being agitated by the applicant.

3(d.) The case law relied on by the applicant is distinguishable. In the unreported Judgment of this bench relied upon by the applicant, the non-mention

of the police report by the Ex-Officio Justice of Peace is not fatal. Such reference to the police report in the Order is one of the check-list items for the litigant parties to see that this aspect, is one of the check-list items, was considered by the Ex-Officio Justice of Peace in its overall thought process in reaching its decision whether or not to direct the concerned Police official to record the Statement of the accused.

3(e.) Applicant Counsel's plea that the reference to "innocent person" in paragraph 3 of the impugned Order is biased does not carry weight. The reference to "innocent person" when read in the context of the entire sentence is a general comment. It is not a reference to the parties. It cannot be attributed to be specifically directed to the proposed accused/Respondents.

3(f.) Last but not least, I now turn to the potential of mediation post-these proceedings. According to the applicant's Counsel, he knocked on the door of the Ex-Officio Justice of Peace, when community mediation failed. He claimed that he did not feel heard. While parties are at liberty to formulate their legal strategies with Counsel post this Order, it may be mentioned that the High Court and its subordinate courts are also offering pro-bono mediation services. Thus, parties have another chance to attempt to settle their civil dispute through court-annexed mediation.

3(g.) Given the above, I do not find any reason to intervene in the impugned Order dated 03.06.2025 passed by the Ex-Officio Justice of Peace, which is in accordance with law. Accordingly, this application is dismissed.

JUDGE

Asif