

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. A. No.S-323 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For orders on M.A No.3633/25 (U/A)

15.07.2025

Mr. Qaimuddin Malano, Advocate for applicant.

1. Urgency granted.

Counsel for applicant is aggrieved by the order dated 06.05.2025 passed by Ex-Officio Justice of Peace in Crl. Misc. Application No.296 of 2024 alleging that an offence had been made out in the said application and the learned Ex-Officio Justice of Peace ought to have issued directions to lodge FIR or atleast ordered recording the statement of the complainant-applicant in the instant case. Instead, the application was dismissed by the learned Ex-Officio Justice of Peace.

Heard Counsel for applicant.

I have perused the documents available on record and specifically paragraph No.2 of the application u/s 22-A(6)(i) Cr.P.C, filed by the applicant which very frankly concedes that the three proposed accused/Respondent Nos. 3 to 5 have a dispute in respect of Survey No.211 situated in Deh Sher Ali Gabole, Taluka Mirpur Mathelo regarding, “caretaking, temporary use” of the subject property. The applicant disputes the ownership of the subject property and contends that he has been illegally dispossessed from the said property by the three accused. He further claims that three accused have managed back dated false and fabricated agreement to facilitate sale of the subject property to the father of three accused. The learned Sessions Judge in the impugned order has relied on this assertion made by the applicant

and concluded that in the facts and circumstances of the case the dispute between the parties impleaded herein is civil in nature. No information is available on record to doubt the findings of Sessions Court. Indeed, in the facts and circumstances of the case the conclusion reached by the learned Sessions Judge appears to be consistent with the record as available in this application.

Given the above, the impugned order dated 06.05.2025 is consistent with the Judgment of the Supreme Court in the case of Younas Abbas and others v. Additional Sessions Judge, Chakwal and others (PLD 2016 Supreme Court 581). There is no irregularity and does not merit any intervention/interference.

Therefore, the instant Crl. Misc. Application is hereby dismissed. Parties are at liberty to seek recourse of law in case there is any violation of law.

J U D G E

Ihsan/PS.