

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

Cr. Misc. A. No. 701 of 2025

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

- Fresh case
- 1.For order on MA No.11152/25 (urgent)
 - 2.For order on MA No.11153/25 (exemption)
 - 3.For hearing of main case
 - 4.For order on MA No.11154/25 (stay)

11.08.2025

Mr. Shamraiz Khan Tanoli, Advocate for Applicant

1. Urgency granted.

2to4. Applicant, Mufti Gul Faraz, was one (1) of the eleven (11) proposed accused persons in Cr. Misc. Application No. 2994/2025 filed by the respondent no.1-complainant-Javed Khan before the learned Ex-Officio Justice of Peace Karachi West u/S 22-A and 22-B Cr.PC. The respondent no.1, Javed Khan, alleged before the Ex-Officio Justice of Peace, commission of offences of criminal mischief, criminal breach of peace, etc. on the part of the eleven proposed accused concerning the construction of a new mosque on the respondent no.1 property which mosque was allegedly close to another mosque in the same locality of which old mosque the applicant, Mufti Gul Faraz was the imam. After hearing the parties, the Ex-Officio Justice of Peace directed the Official Respondents to record Javed Khan’s statement and, based on the information gathered, proceed in the matter as per law. There was no further direction. Applicant, Mufit Gul Faraz, aggrieved by this impugned Order dated 25.07.2025, preferred this application under Section 561-A Cr.P.C., challenging the said Order on the grounds that the same is defective. Applicant Counsel’s main contention is that the dispute between the applicant/proposed accused no.11 and the respondent/complainant is of a civil nature and does not call for the recording of any Statement before the Respondent Police Authorities.

Heard Counsel. When this bench asked the applicant-proposed accused if he had placed any document to substantiate his assertion as to the civil nature of the dispute, he was unable to identify any such document available on record and also did not undertake to provide any such material. None is available on record. A perusal of the application filed by respondent no.1-Javed Khan discloses that there was/is some incident concerning stalling the construction of a new mosque and resistance to such construction, including claims regarding challenging the

ownership of the said property of the respondent no.1-Javed Khan to construct the new mosque. The Ex-Officio Justice of Peace impugned Order articulates the gentlest direction to the Police Authorities to record a statement of the accused, gather information and proceed as per law. I have read the order and do not find any defects, and/or even otherwise, I find no directions that may be adverse to the applicant or tantamount to the Ex-Officio Justice of Peace disclosing his mind so as to pre-empt any course of action detrimental to the applicant, Mufi Gul Faraz.

Given the above, I find that this application has no legs to stand, and the above titled Criminal Misc. Application is hereby dismissed.

J U D G E

Ashraf