

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Crl. Miscellaneous Application No.S-617 of 2025

Present: Justice Jawad Akbar Sarwana

Applicant : Muhammad Rafique s/o Muhammad Tahir
Nemo

Respondent No.1 : Senior Superintendent of Police, Sanghar

Respondent No.2 : Station House Officer PS Tando Adam
through Ms.Safa Hisbani, A.P.G

Respondents Nos. : Zubair s/o Saleem-ud-Din, Shahab s/o not
3 to 7 known, Din Muhammad s/o Jan Muhammad,
Abdul Ali s/o Abdul Rehman, through
Mr.Shahnawaz Brohi, Advocate

Date of hearing / : 17.10.2025
Short Order

Date of Reasons : 20.10.2025

ORDER

JAWAD AKBAR SARWANA, J.: The applicant, Muhammad Rafique is aggrieved by the Order dated 05.08.2025 passed by the Addl. Sessions Judge-1/Ex-Officio Justice of Peace Tando Adam, allowing his cr. misc. application no.1631/2025 filed under Section 22/A 6(i) and (ii) Cr.P.C. only to the extent of giving directions to the Police Authorities to provide legal protection to the applicant and his family in accordance with law, and no undue harassment may be caused to them.

2. On the first date of the hearing of the challenge to the impugned Order dated 05.09.2025, none were present on behalf of the applicant. No intimation is available on record. Yet, as an indulgence, this Court issued notice to the respondents/proposed accused and the learned Addl. P.G. Thereafter, when this matter was listed in Court on 17.10.2025, for the second time, none appeared on behalf of the applicant, and no intimation was received. However, Counsel for Respondent Nos.3 to 7 entered appearance by way of filing his Vakalatnama, whereas Respondent No.2/SHO, P.S. Tando Adam City

filed his parawise comments, which were taken on record. Following the hearing of the Counsel and learned A.P.G., I passed a short order dated 17.10.2025 dismissing this application for reasons to be recorded later. These are the reasons for the said short order.

3. I have perused the documents available on record, which reveal that there is a history of enmity between the applicant and respondent nos.3 to 7/proposed accused, that may be summarised, up to the date of filing of this High Court cr. misc. application no. S-617/2025, as follows:

(i) According to the documents available on pages 35-41 of this application, the applicant had filed with the Ex-Officio Justice of Peace, Tando Adam, a cr. misc. appln. no.1401/2025, against the Respondent No.3/proposed accused concerning an alleged incident which took place on 02.07.2025. The Ex. Officio Justice of Peace as per the Order dated 11.07.2025 (available on page 31), dismissed this application on the grounds that the record showed that the applicant was residing in the house of the proposed accused no.1, Zubair, based on rent and an Iqarnama, apparently available on record. He found that the application was a civil dispute, and the application was dismissed.

(ii) Thereafter, on 19.07.2025, the applicant/plaintiff filed in the Court of Senior Civil Judge, Tando Adam F.C. Suit No.86/2025 against the respondent nos.3 to 7/proposed accused. According to the copy of the plaint filed in FC Suit 86/2025, which is available on record, the applicant/plaintiff has sought prayers for declaration, cancellation, mandatory and permanent injunction concerning the ground floor, one go-down at upper story residential house, three family quarters including one shop over ground floor over Plot No.22 Block No.04, Rs No.24/04 area 1,800sq.ft. situated at Gulshan Nawaz Town, Deh & Taluka Tando

Adam District Sandhar (Suit Properties). The said FC Suit 86/2025 is still pending adjudication before the civil court.

(iii) It transpires that during the pendency of FC Suit No.86/2025, the applicant/complainant also filed Cr. Complaint No.19 of 2025 against the respondent nos.3 to 7/proposed accused under the Illegal Dispossession Act in the Court of Sessions Judge, Sanghar, alleging that on 30.07.2025, the respondent nos.3 to 7/proposed accused allegedly entered into the shops and quarters of the complainant and expelled the applicant/complainant from House/Plot No.4/22, admeasuring area 1,800 sq.ft., situated Survey No.24/4 in Deh Tando Adam Gulshan e Nawaz Town Tando Adam City Taluka Tando Adam, District Sanghar. This Cr. Complaint No.19/2025 is also still pending hearing before the Sessions Court.

4. In light of the above background, the learned Ex-Officio Justice of Peace correctly dismissed the petition, after reviewing the material available before him and hearing the parties, that no case for a cognizable offence is made out as well as that the incident of 30.07.2025 was also the subject matter of pending Cr. Comp. No.19/2025. I did not find any defect in the impugned Order dated 05.08.2025, and therefore dismissed the application by my short order dated 17.10.2025 for the above reasons.

5. It appears that the applicant has also filed another cr. appln. no. 1989/2025, attaching additional documents before the Ex-Officio Justice of Peace. For removal of doubt, none of the observations made in this Order should prejudice any of the parties or the Ex-Officio Justice of Peace, who is expected to decide the application on its own merits.

JUDGE