

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Misc. Application No.S-133 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on office objection.
 2. For hearing of M.A No.1140/2025.
 3. For hearing of main case.

23-09-2025

Mr. Zulfiqar Ali Laghari, advocate for the Applicants.

Mr. Afzal Karim Virk advocate for respondent No.4

Mr. Shahzado Saleem, A.P.G Sindh.

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Amjad Ali Sahito, J.- Through this Criminal Miscellaneous Application, the applicant has impugned order dated 31.05.2025 wherein learned Additional Sessions Judge-I/Ex-Officio Justice of the Peace, Mirpurkhas directed the SHO PS Taluka, Mirpurkhas to record the statement of the applicant as per his verbatim and if a cognizable offence is made then the same be incorporated in the 154 Cr.P.C book.

Per learned counsel for the applicants, the applicants are Zamindars and had engaged approximately 38 persons, along with their family members, to work on their agricultural land on the basis of advance payment. It is submitted that the respondent No.4, Chelo, subsequently filed an application under Section 491, Cr.P.C., alleging illegal detention of 38 of his family members. Learned counsel contends that no such illegal detention ever took place, and in fact, the application was filed with mala fide intent to usurp the advance amount paid by the applicants. He submits that the applicants have not committed any offence.

Conversely, Mr. Afzal Karim Virk advocate has shown his appearance on behalf of the respondent and states that 491 Cr.P.C was filed by the applicant and 37 persons were recovered by the police and one person is still missing.

Learned A.P.G Sindh has fully supported the impugned order.

Heard and perused.

Admittedly, the applicants are Zamindars, and the 38 individuals referred to as family members of respondent No.4 were working on their land under advance payment arrangements. The circumstances suggest that the application under Section 491 Cr.P.C. was filed by respondent No.4 primarily to exert pressure and to avoid repayment of the advance amount received. It is highly improbable that the applicants could have illegally detained 38 individuals simultaneously. The sequence of events indicates that the application was based on a false narrative, through which respondent No.4 managed to obtain an order from the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Mirpurkhas.

Since the dispute appears to be of a monetary and contractual nature, no cognizable offence is made out warranting registration of FIR. Therefore, the instant application is allowed, and the impugned order passed by the learned trial Court is hereby set aside. However, respondent No.4 shall be at liberty to file a direct complaint before the competent Court of law, having jurisdiction, if he so chooses.

JUDGE

****Adnan Ashraf Nizamani****