

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

C.P. No.D-741 of 2025

[M/s Style Kiran Food Products and others vs. The State & others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON.

JUSTICE RIAZAT ALI SAHAR.

Syed Aijaz Hussain Shah, Advocate for petitioner.

Mr. Muhammad Sharif Solangi, Assistant Advocate General, Sindh.

Respondent No.3 present in person.

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Date of hearing& decision: 10.12.2025.

ORDER

ADNAN-UL-KARIM MEMON, J- The petitioners pray that this Court may be pleased to:

- i. Quash all three proceedings initiated under Section 133 Cr.P.C. titled *Wali Muhammad v/s Muhammad Hussain*, *Wali Muhammad v/s Abdul Aziz*, and *Wali Muhammad v/s Muhammad Nadeem* pending before the learned Civil Judge/Judicial Magistrate Deeplo, District Tharparkar.
- ii. Declare that the learned Magistrate Deeplo has no territorial jurisdiction over the applicants' factories situated in Karachi Division, Karachi.
- iii. Set aside all impugned notices issued by the said Magistrate.
- iv. Restrict the respondents from taking any coercive or adverse action pursuant to the said proceedings.
- v. Grant any other relief deemed just and proper in the circumstances of the case.

2. Petitioners claim to be the businessmen and owners of factories in Karachi, manufacturing and supplying products such as Sweet Supari under the brand names Kiran Food Products, Style Jaker Food Products, and Style Aziz Products. The factories are duly licensed by the Sindh Food Authority, operate within Karachi Division, and pay all applicable taxes. Previously, Respondent No.3, a practicing advocate at Deeplo, filed three complaints under Section 133 Cr.P.C. before learned Judicial Magistrate, Deeplo, alleging that the applicants' factories were causing public nuisance in Taluka Kaloi. These allegations were false, baseless, and motivated by mala fide intentions; that learned Civil Judge/Judicial Magistrate Deeplo lacked territorial jurisdiction but entertained the complaints and issued notices. Respondent No.3 challenged these orders before this Court through CP. No. D- 63 to D- 66 of 2025, which were dismissed in limine on 14.04.2025, with liberty to file fresh complaints before the competent trial court. Despite this, Respondent No.3 filed three similar Cr. Misc applications under Section 133 Cr.P.C., which are still pending. On 17.10.2025, the applicants' authorized representative Haji Muhammad Hanif Parekh, submitted preliminary objections through counsel. Learned Magistrate Deeplo refused to entertain the objections or

accept the attorney's submissions, keeping only the vakalatnamas on record. The Magistrate stated that the matter had already been addressed in prior orders dated 07.01.2025 and by this Court vide order dated 14.04.2025. Such refusal to recognize authorized representatives is contrary to the settled legal principles, particularly in non-cognizable and quasi-judicial proceedings under Section 133 Cr.P.C. The impugned actions of learned Magistrate amount to acting without jurisdiction (*coram non judice*), rendering the proceedings void *ab initio* and constituting an abuse of process of law. Continuation of these proceedings would cause irreparable loss, harassment and mental agony to the applicants. No other adequate remedy is available, and the applicants are compelled to invoke the inherent powers of this Court under Section 561-A Cr.P.C. to prevent miscarriage of justice.

3. From the record, it appears that the impugned proceedings initiated by Respondent No.3 under Section 133 Cr.P.C. before the Civil Judge/Judicial Magistrate, Deeplo, suffer from multiple fundamental defects that go to the jurisdictional root of the matter and render the proceedings *coram non judice*. First, the Magistrate lacks territorial jurisdiction to entertain proceedings relating to factories and business operations situated in Karachi Division. Territorial jurisdiction is a basic essential of judicial authority under the Criminal Procedure Code. A Magistrate's jurisdiction extends only within the territorial limits of his district or as specifically empowered by law or notification, and he cannot assume jurisdiction over persons or matters exclusively beyond those limits. A Magistrate so assuming jurisdiction acts without legal authority; secondly, this Court has already dismissed four Constitutional Petitions Nos. D- 63 to D- 66 of 2025 challenging the earlier quasi-criminal proceedings, with liberty to file fresh complaints before the competent trial court. Despite clear direction, Respondent No.3 again filed similar proceedings before the same Magistrate lacking territorial competence, showing blatant disregard for judicial orders and constitutes an abuse of process of law; thirdly, the refusal of Magistrate to recognize the applicants' authorized representative and to entertain preliminary objections, compounded with repeated attempts to pursue quasi-criminal complaints in derogation of jurisdiction, further establishes that the impugned proceedings are without legal basis and void *ab initio*.

4. The inherent powers of this Court under Section 561-A, Cr.P.C. empower it to quash proceedings pending before subordinate courts where such proceedings are shown to be patently illegal, without jurisdiction, or an abuse of the process of law, and where no other adequate remedy is available. Inherent jurisdiction can be exercised to rectify such jurisdictional defects and to secure the ends of justice. The Supreme Court has held that Section 561-A must be invoked where the lower court's proceedings are shown to be *ultra vires* and constitute a misuse of criminal process, and that proceedings taken without jurisdiction are amenable to quashing under High Court's inherent powers. The Court has emphasized that where a Magistrate "is not vested with jurisdiction to take cognizance of an offense," any resulting order is *coram non judice* and liable to be quashed in exercise of inherent jurisdiction to prevent miscarriage of

justice. In the present case, there is no dispute that the subject factories, Sweet Supari products, and the business operations of the petitioners are situated in Karachi Division, whereas all impugned proceedings are before Magistrate in Deeplo, District Tharparkar, far outside the territorial jurisdiction of the Magistrate's court.

5. In these circumstances, continuation of such proceedings would cause irreparable loss, harassment, and abuse of process, and there exists no other efficacious remedy for the petitioners except to invoke this Court's inherent powers under the Constitution and Criminal Procedure Code.

6. Accordingly, in the interest of justice and to prevent further abuse of the criminal process, the Magistrate's proceedings are quashed, the notices and all consequential actions are set aside. The petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*