

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**Criminal Miscellaneous Application No.S-858 of 2024**

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DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objections.  
For hearing of main case.  
For orders on stay application.

**23-04-2026**

Mr. Sajjad Ahmed Chandio and Ms. Faiza Ubed, advocates for the applicants.

Ms. Sana Memon, Assistant Prosecutor General, Sindh.

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**JAWAD AKBAR SARWANA, J:-** The applicants No.1 to 8 are aggrieved by the order dated 11.12.2024 passed by the 3rd Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad in Criminal Miscellaneous Application No.5766 of 2024.

At the outset, it is pertinent to mention that this matter was partly heard on 16.04.2026 when the advocate for respondent No.3/complainant was also in attendance and photocopies of eight a/c payee cheques issued by M/s. Iqra Associates (Iqra Town) were taken on record. The Court gave specific directions to the applicants to file proof evidencing that the said a/c payee cheques indicated to have been issued favoring the beneficiaries (presumably respondent No.3/complainant and his family) have been cleared. Today counsel for the applicants has filed statement issued by the bank indicating that all eight a/c payee cheques have been cleared. Yet counsel for the respondent No.3/complainant has remained absent, first, when the matter was taken up at 10:00 a.m. and again now at 11:51 a.m. when it is taken up for the second time. None is in attendance on behalf of respondent No.3/complainant.

Counsel for the applicants submits that the proposed accused/applicant No.5, Imran Khan and applicant No.7, Muhammad Ali Memon are alleged employees of M/s. Iqra Associates (Iqra Town). The said Iqra Associates, as per the complaint filed before the 3rd Additional Sessions Judge/Ex-Officio Justice of

Peace, Hyderabad, is/was involved in marketing certain plots and the respondent No.3/complainant had made certain payments towards purchase of the same. Meanwhile, it is/was contended by the respondent No.3/complainant that the family of the proposed accused, namely Ghulam Qadir Qazi (applicant No.1), Ahmed Waliullah Kazi (applicant No.2), Umar Qazi (applicant No.3), and Ovasse Karim Kazi (applicant No.6), allegedly prevented the respondent No.3/complainant, Ghulam Muhammad's right of way/access to his land.

The record reflects that the dispute apparently arose from an incident alleged by the respondent No.3/complainant Ghulam Muhammad, which took place on 10 October 2024, involving complainant's demand to M/s. Iqra Town to refund the deposit of the complainant paid to M/s. Iqra Town and alleged accusation that the applicants blocked access of the complainant on the ground that the respondent No.3/complainant had outstanding dues payable to M/s. Iqra Town, and thus had no title to claim any right of way.

Counsel for the applicants contended on the last date of hearing that the respondent No.3/complainant and his family, subsequent to the date of the incident, i.e., 10.10.2024, had been refunded/returned the deposit paid and this refund was evidenced by the photostat copies of the eight cheques placed by him and shown to the respondent No.3's counsel on the last date i.e. 16.04.2026. Counsel for the respondent No.3/complainant who was present in Court did not deny the same. Thereafter, the applicants today have submitted a statement of account of these cheques issued on the letterhead of the bank, which reflects that the funds drawn on M/s. Iqra Associates (Iqra Town) cheques have been cleared to the account of the respondent No.3/complainant and his family after the alleged incident of 10.10.2024 and no case is made out for recording of statement by the police authorities.

Heard counsel. It is apparent, based on the information available before this Court and summarized above, that the entire dispute is of a civil nature. This is further substantiated by the police report available on page No.31 of the Court file before this bench, as it was available before the Ex-Officio Justice of Peace,

that such police report confirms that the dispute arose between the employees of M/s. Iqra Associates (Iqra Town) and respondent No.3/complainant. The police report is silent concerning the remaining applicants Nos.1, 2, 3 and 6.

In view of the above, the impugned order dated 11.12.2024 passed by the 3rd Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad in Criminal Miscellaneous Application No.5766 of 2024 is hereby set aside. The interim order dated 13.12.2024 suspending the impugned order dated 11.12.2024 is hereby confirmed. No information is made out for requiring recording of statement of respondent No.3/complainant concerning the alleged incident of 10.10.2024.

The Criminal Miscellaneous Application is allowed in the above terms.

**J U D G E**

Irfan Ali