IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Miscellaneous Application No.714 of 2024

Applicant	:	Asif Ali son of Taj Muhammad *Through* Mr. Shah Jahan Rashidi, Advocate.
Respondent No.1	:	Aziz-ur-Rehman son of Khalfalay *Through* Mr. Fazal Rahim, Advocate.
Respondents 2to4	:	The State *Through* Ms. Najma Latif Golo, Assistant Prosecutor General Sindh.
Date of hearing	:	28.10.2026
Date of order	:	12.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** Applicant Asif Ali invokes inherent jurisdiction of this court, assailing the order dated 8 July 2024 passed by the learned VIIth Additional Sessions Judge, Karachi West, as ex officio Justice of the Peace, in Criminal Miscellaneous Application No.2129 of 2024. The order directed the SHO to record the statement of respondent No.1 verbatim, determine whether it disclosed a cognizable or non-cognizable offence, and provide protection in accordance with law. The reference to Application No.2192 of 2024 in the prayer is an evident transposition. The annexed order identifies the proceeding as Application No. 2129 of 2024.

2. Respondent No. 1 claims to be the attorney in respect of agricultural land in Survey Nos. 181 to 186, Deh Halkani, Tapo Manghopir. He alleges that on 20 April 2024, at about 3:30 p.m., the applicant and others came armed to his office on the land, threatened and assaulted him, and removed documents, fixtures and other articles. He first sought registration of an FIR and police protection through Application No. 1441 of 2024 under sections 22-A and 22-B, Cr.P.C. By order dated 3 May 2024, the same Justice of the Peace, after hearing counsel and considering the police report and available material, declined registration but directed the SHO to provide lawful protection. That order subsists.

3. The applicant submits that the subsequent application sought the same relief on substantially identical facts. He also relies on rival claims to title and possession and contends that the impugned order was passed without awaiting the police report. Respondent No. 1 maintains that the earlier refusal proceeded on an erroneous view of the dispute as civil, that

the allegations disclose cognizable offences, and that the impugned order should be sustained. He further seeks restoration of possession of part of the land.

4. The jurisdiction under section 22-A(6), Cr.P.C. is quasi-judicial and requires due application of mind to the complaint and the material bearing on the relief sought. PLD 2016 SC 581[1]. A dispute over land may furnish the setting for a cognizable offence. The inquiry under section 22-A(6)(i), read with section 154, Cr.P.C., concerns the character of the information and the alleged failure to register it. Adjudication of title, possession and the truth of rival accounts lies beyond that inquiry. Where a reasoned refusal already subsists, a fresh application for substantially the same direction requires a distinct occurrence or a material change of circumstances. This Court applied that principle in Criminal Miscellaneous Application No. 700 of 2024 to a successive application on substantially the same allegations.

5. Both applications identify the same occurrence, premises, principal persons and alleged acts. The second application adds assertions of continuing harassment and unlawful demands but gives no particulars sufficient to distinguish a subsequent occurrence. The later representations reiterate the grievance. The reference to 24 April 2024 in the counter-prayer is likewise unsupported by any separate factual account. The contention that the earlier refusal was erroneous could furnish a ground to assail that order before a competent forum. It furnished no basis for the same Justice of the Peace to reopen the matter.

6. The record answers the objection that the police report was awaited. The report dated 25 June 2024 and the statement recorded on 24 June 2024 were before the Justice of the Peace. Indeed, the report referred to the earlier proceeding, as did the body of the second application, despite the contrary recital in its accompanying certificate. The material infirmity is the failure to examine the effect of the subsisting order or identify any circumstance justifying fresh intervention. The conditional form of the direction to the SHO does not cure that omission.

7. The registered power of attorney No. 564, the Sub-Registrar's confirmation, the revenue correspondence and Form VII extracts, and the sale deed in favour of Hafiz Muhammad Saad disclose competing claims concerning the land. Muhammad Amin's complaint dated 23 April 2024

[1] *Younas Abbas and others v. Additional Sessions Judge, Chakwal and others*

presents a rival account of the confrontation. The FIRs relating to other incidents, the newspaper clipping and the photographs tendered by respondent No. 1 furnish no basis for reopening the earlier determination. The photographs have no established temporal or geographical connection with the occurrence in question. The counter-prayer for restoration of possession requires adjudication of the identity of the parcel and the disputed claims to possession in proceedings competent to grant that relief. It is accordingly declined.

8. The impugned order reopened a matter already adjudicated by the same Justice of the Peace without identifying a distinct occurrence or a material change of circumstances. The defect appears from the proceedings themselves and warrants interference under section 561-A, Cr.P.C. to prevent abuse of the process of the Court.

9. Criminal Miscellaneous Application No. 714 of 2024 is allowed. The order dated 8 July 2024 in Criminal Miscellaneous Application No. 2129 of 2024 is set aside, and the latter application is dismissed as a successive application. The protection direction issued on 3 May 2024 continues according to its terms. Respondent No. 1 may avail himself of any remedy available in law, including a private complaint under section 200, Cr.P.C. Any such proceeding shall be decided on its own merits. M.A. No. 9137 of 2024 is disposed of accordingly.

J U D G E