

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Revision Application No.82 of 2024  
(Masood Ahmed v. Muhammad Hanif and others )

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Date	Order with signature of Judge
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1. For orders on MA No.5355/2024
2. For hearing of main case

**29.05.2024**

Mr. Asghar, advocate for the applicant

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1. Granted subject to all just exceptions.
2. The applicant filed a complaint for prosecution of the private respondents for allegedly having committed an offence punishable under sections 3/4 of the Illegal Dispossession Act, 2005; it was dismissed by the learned XIth - Additional Sessions Judge, Karachi, South, vide order dated 15.03.2024; it is impugned by the applicant before this court by preferring the instant Crl. Revision Application.

It is contended by learned counsel for the applicant that the applicant was the lawful occupier of the subject premises, therefore, his complaint was not to have been dismissed in a summary manner by the learned trial Court by way of the impugned order; the same being illegal is to be examined by this Court.

Heard arguments and perused the record.

The learned trial Court while dismissing the complaint of the applicant has validly observed that:

*"Admittedly, the complainant party claimed their interest in the property in question on the basis of sale agreement, but since 2005 till the alleged incident the complainant party did not bother to get transfer of title from the original owners to them. Now the complainant party has moved ID complaint against the original owners and transferees of the title. Civil litigation between the parties is already pending. The allegations of complainant and above discussed peculiar facts and circumstances suggest deeper probe of the said complicated dispute which can only be made by the Civil Court. The dispute between the parties appears to be of civil nature lacking criminal liability, hence it is*

*not fit case to take cognizance of offence under Section 3 of Illegal Dispossession Act, 2005. The complaint in hand is dismissed with observation that complainant should seek legal remedy from the competent civil court."*

No illegality is noticed in the impugned order which may justify this court to interfere with the same by way of instant Crl. Rev. Application; it is dismissed in *limine*.

J U D G E

Nadir