

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No. 664 of 2025

Applicant No.1: Iqbal Shamim s/o Shamim Ahmed Ansari
Applicant No.2: Imran Haider s/o Abid Hussain present in person and through Mr. Naeemullah Bhutto, Advocate

v.

Respondent No.1: Tayyab s/o Muhammad Yousuf present in person through Mr. Hafiz Muhammad Khan Panhwar, Advocate
Respondent No.2: SSP Complaint Cell Karachi West
Respondent No.3: SHO PS Pakistan Bazar Karachi West
Respondent No.4: The State, Respondent Nos.2 to 3 through Mr. Muhammad Mohsin Mangi, APG

Date of Hearing: 12.09.2025

Date of Decision: 12.09.2025

ORDER

Jawad Akbar Sarwana, J.: This matter involves an alleged dispute between two parties, one of whom is the custodian of a Shadi Marriage Hall in the name of "Suhag Marriage Hall", which is owned by the spouses of the two applicants herein, namely, Iqbal Shamim and Imran Haider. They claim at the very outset that their respective wives, that is, the spouses of Applicant Nos.1 and 2, own the business and operate it but they are not before this bench, and neither were they present before the Ex-Officio Justice of Peace in the complaint filed by Respondent No.1/Tayyab.

2. It is common ground between the Counsel for the two Applicants and the Respondent No.1/Tayyab that they allegedly have a relationship of landlord and tenant in respect of said Shadi Marriage Hall. Yet, when this Court queried them whether apart from the tenancy agreement executed between them (which does not mention the alleged owners, apparently the wives of the applicants) they had any evidence to demonstrate the existence of a business between them in terms of rent/license fee paid or deposited and/or acknowledge receipts signed and/or invoices towards expenses incurred by Respondent No.1/Tayyab, none

is/was available on record, neither the parties present in person offered to produce nor the Counsels appeared keen to follow up to provide to the bench.

3. Notwithstanding the foregoing, it appears from the impugned Order dated 12.07.2025 passed by the Ex-Officio Justice of Peace that the Sindh Building Control Authority ("SBCA") has demolished the Shadi Marriage Hall, at least once in the past. Further, during arguments, Counsel for parties also confirmed that SBCA has torn down the Shadi Marriage Hall on more than one occasion.

4. It was the Respondent No.1/Tayyab's complaint before the Ex-Officio Justice of Peace that the two applicants/proposed accused had allegedly committed offences of criminal breach of trust, extortion, dishonesty, and apparently threatened him, etc. These allegations need to be understood in the background of the relationship as articulated by me above. The role of the Ex-Officio Justice of Peace is to make a tentative assessment only re. whether the ingredients of a cognizable and/or non-cognizable offence may be in play, and refer the matter to the Police Authorities for recording of statement, etc. In the circumstances, the Ex-Officio Justice of Peace, based on information available before him, did what he could do given the peculiar background described herein. He ordered the recording of Respondent No.1/Tayyab's statement before the authorities.

5. I do not find any defect in the impugned Order dated 12.07.2025 passed by Ex-Officio Justice of Peace. It suffers from neither any illegality nor irregularity within the context of Section 22-A & B Cr.P.C., which calls for any interference on my part in the said impugned Order. Accordingly, the Criminal Misc. Application is dismissed in the above terms.

J U D G E