

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Misc: Application No.113 of 2019

Date	Order with signature of Judge
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Present: Mr. Justice Nazar Akbar

Fresh Case

1. For orders on M.A No.2888/2019 (U/A)
2. For orders on office objection at "A"
3. For hearing of main case.

Mst. Naseema Begum *vs.* *Ex-Officio Justice of Peace & others*

29.03.2019

Mr. Sami Ahsan, advocate for the applicant.

NAZAR AKBAR, J. Through this Crl. Misc: Application the applicant has challenged the order dated **22.02.2019** passed by the learned IV-Additional Sessions Judge/Ex-Officio Justice of Peace, Malir, Karachi) in Criminal Petition No.323/2019, whereby the application **Section 22-A & B Cr.P.C** filed by applicant was dismissed.

2. Learned counsel for the applicant contended that there is a civil dispute between the parties over the rented property and in this regard a rent case is also pending adjudication between the parties but since the accused/Respondent No.2 has not vacated the rented premises and has misbehaved and used filthy language with applicant, his sister and brother-in-law and the police has not taken any action against Respondent No.2, he approached the learned Justice of Peace and filed application under Section 22-A and B Cr.P.C which was dismissed by the trial Court by order dated **22.02.2019** which is impugned herein this Criminal Miscellaneous Application.

3. I have perused the impugned order in which the trial Court has observed that:-

From the perusal of record, it appears that there is civil dispute over the rented property between the petitioner and Head Constable Muhammad Hamid, who appeared before Court and admitted that the disputed property was given to him by petitioner on the rent under Sindh Rented Premises Ordinance, 1979, while petitioner has admitted that the said property was given to him on unsigned rent agreement and now he did not want to vacate the same after several approaches, on the contrary the respondent No.1 has stated before the Court that on he is ready to vacate the same on the 1st day of April, 2019 after completion of examinations of his children which is scheduled in the month of March, 2019. Under these circumstances, the matter is required to be resolved through the rent laws after approach before the Court of Rent Controller, hence the instant matter has prima facie no merits, consequently same is hereby dismissed accordingly with liberty to petitioner to avail remedy from the Court of law having jurisdiction.

The above order clearly reflects that the dispute between the parties is of civil nature and learned counsel for the applicant also concedes that rent case is also pending before the concerned Court, irrespective of the fact that Respondent No.2 undertook before the Justice of Peace that he will vacate the rented premises on **01.4.2019**. Therefore, no case is made out to interfere with the impugned order passed by the learned trial Court.

4. In view of the above, instant Criminal Miscellaneous Application is dismissed alongwith pending applications.

JUDGE

Ayaz Gul