

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

**CrI. Misc. A. No.S-223 of 2018.**

Khuda Bux. . . . . Applicant.

Versus.

Learned IInd Additional Sessions Judge,  
Badin and others. . . . . Respondent.

Mr. Roshan Ali Azeem Mallah, Advocate for the applicant.

Ms. Romeshan Oad, A.P.G.

Mr. Muhammad Nawaz B. Jamali, Advocate for respondent No.2.

Date of hearing and order 28.06.2018.

**O R D E R**

**IRSHAD ALI SHAH, J.** The applicant by way of instant application under section 561-A Cr.P.C. has sought for quashment of the proceedings of Direct Complaint No.1 of 2016, pending on the file of learned IInd Additional Sessions Judge, Badin.

2. It is contended by the learned counsel for the applicant that the direct complaint has been brought on record by learned trial Court ignoring the pendency of civil dispute between the parties before Board of Revenue Sindh, as such the proceedings whereof are liable to quashed.

3. It is contended by the learned counsel for private respondent that no harm would be caused to either of the party if civil and criminal liabilities are allowed to run side-by-side. By contending so, he sought for dismissal of the instant criminal miscellaneous application.

4. Learned APG was fair enough to state that in first instance the applicant has to seek his acquittal from learned trial Court by way of making an application under section 265-K Cr.P.C.

5. I have considered the above arguments and perused the record.

6. The complaint has been brought on record by the learned trial Court after due inquiry. The applicant it is said has joined the trial. If the applicant

is a having a feeling that there is no probability or possibility of his conviction then he may in first instance seek his acquittal from learned trial Court by way of making an application under section 265-K Cr.P.C. The proceedings of such direct complaint could not be quashed by this Court straight away under the pretext that dispute between the parties over grant is pending adjudication before Board of Revenue Sindh.

7. The instant criminal miscellaneous application is dismissed in above terms alongwith pending application.

JUDGE

S