

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CR. MISC. APPLICATION NO.531/2022

Date Order with signature of Judge

1. For order on MA No.11713/2022
2. For order on MA No.10971/2022
3. For hearing of main case.

06.10.2022

Mr. Muhammad Ashraf advocate

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Heard and perused record. Being relevant, last paragraph of impugned order is that :-

“The accused namely Hafiz Syed Ahmed Ali is/was husband of complainant, the accused Mst. Hifza is sister of accused Hafiz Saeed Ahmed Ali and accused Abid Ali is father of accused Hafiz Syed Ahmed Ali. Admittedly Family Suit No.2914/2021 (Re-Mst. Sadia Vs Hafiz Syed Ahmed Ali) is pending between complainant and accused Hafiz Syed Ahmed Ali before learned Civil/Family Judge-Karachi West. The dispute arose when the trial Court directed the bailiff during trial for recovery of dowry articles and some of them were found missing including gold ornaments, and it is alleged by complainant that locks were also found broken and further alleged that accused persons nominated in FIR committed theft of such articles. Prima facie the dispute between parties is in respect of missing dowry articles, for which family suit is already pending for adjudication. I am of humble view that it is a pure matrimonial dispute, and such matter can not be converted into criminal proceedings. Therefore, while disagreeing with the report of Investigation Officer, I hereby approve the instant report under C-Class (Cancelled Class), Consequently, accused persons namely 1)Hafiz Saeed Ahmed Ali S/o Abid Ali, 2) Abid Ali Shah S/o Hamid Ali Shah and 3)Mst. Hifza Farhat W/o Syed Farhat are released accordingly. They are present on bail, their bail bonds are cancelled and sureties are discharged. Let the copy of this order be sent to SSP Karachi East and concerned SIO/I.O.”

Admittedly applicant was residing with her husband and it is the case of applicant that her husband and sister in law broke open the lock of the room and committed theft but no evidence is

available in any shape with applicant. Moreover that house was on rent with respondent No.1 (husband). Therefore how he can be arraigned that he broke open the room of his house hence has committed theft. Learned trial court has rightly decided that civil suit is pending with regard to recovery of dowry articles and parties shall pursue the same in accordance with law.

Criminal Miscellaneous Application is dismissed.

J U D G E

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