

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Revision Application No.217 of 2022  
(Shamim Ahmed Khan v. Sheikh Ahmed Khan and others )

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Date	Order with signature of Judge
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For hearing of main case

**29.05.2024**

Mr. Muhammad Sohail Hassan, advocate for the applicant  
Mr. Muhammad Yousuf Chohan, advocate for the private respondents  
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

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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 IIIrd- Additional Sessions Judge, Karachi, Central, vide order dated 31.08.2022; 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 owner of the subject property, 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 set aside by this Court, which is opposed by learned APG for the State and learned counsel for the private respondents.

Heard arguments and perused the record.

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

*"It is to be mentioned here that after filing of the instant complaint the report was called from SHO who accordingly submitted such report dated: 12.12.2021 wherein it is mentioned that the respondents 2 to 5 during investigation disclosed to SHO that the building was constructed by respondent No.1 Sheikh Adil Hussain on the said property and they have purchased the said building viz its portion from said builder i.e respondent No.1 Sheikh Adil Hussain. It is to be mentioned here that during course of proceedings the further reports were also called from the*

*concerned SHO and in his detailed report 16.08.2022 it is mentioned that, during investigation it transpired that the respondents are residing at he said property for about 10 to 12 years. Whereas it has also come on record that the complainant had also executed special power of attorney regarding said plot in favour of Syed Junaid Ahmed, such facts have been concealed by the complainant in his complaint in hand.*

*The complainant himself has not mentioned in his complaint that he was illegally dispossessed by the respondents from said plot. On the contrary he has stated that in year 2019 he came to know that the respondent No.1 has illegally occupied his said property but he has remained silent and did not adopt proper course of law. Since the complainant has not leveled allegations of his dispossession or forcible occupation even the property by the respondents No.1 to 5, hence, I am of the view that provisions of Illegal Dispossession Act would not be applicable.*

*Moreover, he has also concealed the material facts regarding execution Special Power of Attorney of the said property in favour of Syed Junaid Ahmed, hence, I do not intend to take cognizance of the matter against the respondents. Accordingly, the complaint under Illegal Dispossession Act filed by Shamim Ahmed Khan is dismissed."*

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 accordingly.

J U D G E