

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Miscellaneous Application No. 06 of 2025

Dated	Order with signature of the Judge
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Priority Case

- 1. For hearing of main case.
- 2. For hearing of MA No.791/2025.

09th April, 2024.

Mr. Irfan Gul Memon, Advocate for the applicant.
Mr. Neel Parkash Permar, DPG.

This Court is seized of the present Criminal Miscellaneous Application, wherein its inherent jurisdiction under Section 561-A Cr.P.C. is invoked to assail the order dated 23.11.2024, whereby cognizance was taken by the learned trial Court under Section 201 PPC against the present applicant Abdul Hafeez Soomro and Ghulam Mustafa Solangi, who were then posted as SHO and Investigating Officer respectively at Police Station Jati, District Sujawal, in Crime No.140/2024 registered under Sections 379/35 PPC.

Learned counsel for the applicant has drawn the Court’s attention to the order dated 06.12.2024 passed in Criminal Revision Application No.10/2024, whereby the case property comprising four buffaloes and one heifer (female buffalo calf) was ordered to be restored to the complainant. He submits that in view of the said order and the recovery and restoration of the case property, no offence under Section 201 PPC was made out, and the impugned order was passed in a hasty and unwarranted manner. It is further submitted that the complainant has also filed an affidavit/statement on record, categorically acknowledging receipt of the case property on superdari in compliance with the order dated 06.12.2024.

Today, the complainant is present in Court and, upon inquiry, affirms the contents of his affidavit and states that he has no further grievance in the matter. Learned DPG has also candidly conceded that, in the prevailing circumstances, no offence under Section 201 PPC appears to be made out against the applicants.

In view of the above facts and circumstances, particularly the restoration of case property, the acknowledgment of the complainant, and the absence of any objection from the prosecution, this Court is of the view that a prima facie case for interference is made out. Accordingly, the impugned order dated 23.11.2024 is hereby set aside. The Criminal Miscellaneous Application stands allowed in the above terms.

J U D G E