

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
C.P. No.S-510 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.  
For hearing of main case

**03.02.2025**

Syed Ali Gohar Shah advocate for petitioner.

Mr. Muhammad Yousuf Rahpoto Assistant AG along with Aijaz Hussain DSP Matli on behalf of SSP Badin, DSP Ahmed Khan Respondent No.4, SIP Shah Bux Respondent No.11, Inspector Muhammad Younis Respondent No.12 and SIP Muhammad Yaqook Respondent No.13. Ms. Sobia Bhatti, A.P.G along with SIP Zeeshan Ali SHO PS Sekhat.

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The instant Application has been filed against the Order dated 15.11.2024, whereby Application u/s 22-A & B Cr.P.C was rejected by the learned Sessions Judge/Ex-Officio Justice of Peace Tando Muhammad Khan on the ground of previous long enmity between the Parties on agricultural land and also considering filing of earlier applications of the same nature against each other by the parties which were dismissed, hence the impugned Order was passed along with cost of Rs.4000/- imposed upon the Applicant.

Learned AAG files comments of Respondents No.3 to 9, which tend to report that the Application filed u/s 22-A & B Cr.P.C is frivolous and no cognizable offence was made out but instead the parties are trying to settle scores against each other due to an old enmity on agricultural land for which earlier Criminal Miscellaneous Application No.616/2024 of same nature was also dismissed vide Order dated 30.07.2024 by the learned Sessions Judge/Ex-Officio Justice of Peace Tando Muhammad Khan and the instant Application is in continuation to the same campaign being carried out by the two brothers each other.

Applications u/s 22-A & B Cr.P.C are not to be decided in a mechanical manner but all relevant factors must be taken into consideration before

deciding the same, as held in the case of Munawar Alam Khan (2024 SCMR 985). In the instant case, while taking into consideration the relationship between the Applicant and the opponent being brothers and their old enmity on land dispute and their previous applications which were rejected, as also the fact that no cognizable offence is made out in the present case, the Application merits dismissal.

J U D G E

Ali Haider