

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
**Criminal Misc. Appln. No. 234 of 2024**

DATE	ORDER WITH SIGNATURE OF JUDGE
Applicant	: Savaid Ahmed son of Muhammad Khursheed Qureshi, Through Abdul Wahab Mirza, advocate
	<b>Versus</b>
Respondents.	: 1. The State. 2. The SHO police station Surjani. 3. The Senior Superintendent of Police, 4. Touseef son of Not known. 5. Zeeshan son of Not known.
	All through Mr. Muhammad Noonari, Deputy Prosecutor General, Sindh.
Date of hearing	: 30.07.2025.
Date of order	: 07.08.2025.

**ORDER.**

**MIRAN MUAHAMMAD SHAH, J.:-** Through this Criminal Misc. Application, the applicant namely Savaid Ahmed son of Muhammad Khursheed Qureshi has challenged the order dated 07.02.2024, passed by the learned VII<sup>th</sup> Additional Sessions Judge, Karachi (West) in Criminal Misc. Application No.338 of 2024, whereby the applicant's request for the lodgment of the FIR against the proposed accused. The applicant had approached the Court of the District and Sessions/Ex-Officio Justice of Peace, West at Karachi, by filing Criminal Misc. Application No.338 of 2024 under Section 22-A and 22-B Cr.P.C for seeking directions for the registration of the FIR against the proposed accused person. The matter was assigned to the learned VII<sup>th</sup> Additional Sessions Judge, Karachi-West, who after hearing the parties dismissed the application through the impugned order dated 07.02.2024. Hence this application.

2. The learned counsel for the submits that the applicant is the lawful owner of an immovable property, specifically House No. L-836, Sector 4-A, Surjani Town, Karachi; that the property is registered in the name of the applicant's deceased mother, Mst. Razia Khursheed. The house had remained vacant for a long period, and the applicant had been regularly visiting the property every 2-3 months, that on

22.11.2023, during one of his routine visits, the applicant was shocked to find that some individuals had unlawfully occupied the house after forcibly breaking its locks. Upon making this discovery, the applicant raised his voice and called out to the occupants; that in response, two individuals, later identified as Touseef and Zeeshan, emerged from the premises, when the applicant inquired about their identified and their present in his property, the individuals became hostile, misbehaving, insulting, abusing and threatening the applicant, that the applicant also asked them to show any documents regarding their claim over the said house, but they failed to do so, that in contrast, the applicant showed the title documents proving his ownership of the property. Despite this, the individuals forcibly pushed the applicant out of the house and unlawfully took possession of it, that the applicant is the lawful owner of the property but the proposed Accused Touseef and Zeeshan along with their associates have illegally occupied the same. Their actions constitute a criminal offence, and they are liable for punishment under the law and furthermore, the proposed accused and their companions have continued to harass, mentally torment and threatening the applicant and his family including threats of bodily harm and even death. Under these circumstances, the applicant moved so many applications through courier service to the official respondents, for taking legal action against the proposed accused and provide legal protection for himself and his family. Despite these efforts, the respondents have failed to take any action. As the applicant has no other effective or timely remedy available, he is compelled to invoke the jurisdiction of this Court by filing the present petition for directions to respondent No.2 to record the statement of the applicant and register the FIR against the above named proposed accused and anyone who found in illegal possession of the said house without any legal authority for the cognizable offence committed by them as well as provide legal protection to applicant and his family members from the hands of proposed accused and their companions. He lastly prays for allowing the instant Criminal Misc. Application.

3. On the other hand, the learned Deputy Prosecutor General, Sindh opposes the grant of the instant Criminal Misc. Application.

4. I have heard the learned counsel for the parties at length. The impugned order has been challenged by the applicant for lodgment of the FIR under Section 22-A and 22-B Cr.P.C. I have gone through the impugned order, which categorically is based on the report of the SHO. The matter appears to be purely of civil dispute between the parties over the property. No cognizable offence seems to have been made out; therefore, the application of the applicant was rightly dismissed. I do not see any misreading or non-reading of the facts in the impugned order. The applicant has merely alleged that he was threatened in an attempt to give a criminal color to a civil dispute, which lacks merit. During the course of arguments, the applicant's counsel himself partially admitted that the dispute is of a civil nature, stating that the applicant's property had allegedly been illegally occupied by the private respondents. In such a case, the appropriate remedy lies under the Illegal Dispossession Act, which is available to the applicant. At the end of the arguments, this court advised the learned counsel for the applicant that he may avail himself of the remedy provided under the prescribed civil law.

5. In view of the above, the instant Criminal Misc. Application is dismissed as being devoid of any merits and not maintainable. These are the reasons of my short order dated 30.07.2025.

**JUDGE**