

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No. 735 of 2024

Applicant : Abdul Ghaffar Mandhai
through Mr. S. M. Nehal Hashmi,
Advocate

Versus

Respondent No.1 : Zohabi Magsi,
Mr. Shahrukh Khan, Advocate

Respondent No.2 : The State
Through Ms. Amna Ansari, Additional
Prosecutor General (Sindh)

Date of Hearing : **22.08.2025**

Date of Decision : **25.08.2025**

O R D E R

Jawad Akbar Sarwana, J.: Two years ago, on 25.06.2024, the Applicant-Complainant, Abdul Ghaffar Mandhai, in the capacity of a participant bidder, was in attendance at a procurement-related meeting of the Complaint Redressal Committee (“CRC”) of the D.G. Park Baldia Uzma Frere Hall, Karachi, held in the Conference Room of the Parks and Horticulture Department KMC. He claims that the Respondent No.1, Zohaib Magsi, who was an officer of the D.G. Park Baldia Uzma Frere Hall, Karachi, was also present in the conference room, but, according to him, he had no business to be in there, proceeded to “use[d] abusive language and issued threats of murder and dire consequences to the Applicant.” Counsel for Respondent No.1 claims that Zohaib Magsi was the Secretary of the Procurement Committee and was therefore present in the room in such capacity. He argues that the complaint filed by the Applicant-Complainant is/was malafide and an alleged attempt to undermine the procurement and have it declared “misprocurement.” He denies the averments raised by opposing Counsel. He submits that this complaint is in aid of the civil action initiated by the applicant against the D.G. Park Baldia Uzma Frere Hall, Karachi, concerning the said

procurement, and that the applicant intends to use the criminal proceedings to support his civil action. In rebuttal, Counsel for the Applicant, during arguments, shared the Minutes of the Meeting of the Complaint Redressal Committee on 25.06.2024, which does not list the name of Respondent No.1 as one of the members of the Committee. Counsel further contends that the Respondent No.1, acting in concert with some of his colleagues also present in the room, is guilty of cognizable offences, which is an entirely separate matter from the civil action filed by him against the D.G. Parks Baldia Uzma Frere Hall Karachi, and even otherwise, the proposed accused are not impleaded as parties in the said action. Therefore the Cr. Misc. appln. filed by him was maintainable and he is aggrieved by the impugned Order dated 25.06.2024 passed by the Ex-Officio Justice of Peace, wherein it is observed that the Applicant-Complainant failed to make out a case for direction to the SHO to register the FIR, and dismissed the application.

Heard Counsel, perused the documents available as well as seen and returned the documents shown to me by Counsel during arguments. I do not find any defect in the impugned Order dated 25.06.2024. Neither the compliance report submitted by the Police nor any document available in this file by the Applicant provides information to make out a cognizable offence from the events of 25.06.2024, and given the facts and circumstances of this case, as articulated herein above, I find no reason not to accept the conclusion reached by the Ex-Officio Justice of Peace. The impugned Order is hereby maintained, and, this Cr. Misc. Application is dismissed.

J U D G E