

# THE HIGH COURT OF SINDH KARACHI

Cr. Revision Application No. 209 of 2024

[Farzana Zaidi versus Nawab Aneel & others]

Petitioner : Farzana Zaidi through M/s. Tariq Hussain and Muhammad Absar Hussain Advocates.

Respondent No.1 : Nemo.

Respondent 2 &3 : Station House Officer, P.S. Gulshan-e-Iqbal, Karachi and another through Mr. Rashid Ahmed Gabol, Assistant Prosecutor General, Sindh.

Date of hearing : 04-05-2026

Date of decision : 04-05-2026

## ORDER

**Nisar Ahmed Bhanbhro, J.** - This Criminal Revision Application is directed against the order dated 21.10.2024 passed by the Court of IVth Additional Sessions Judge, Karachi (East) in Illegal Dispossession Complaint No. 108 of 2024 [Re: *Nawab Aneel versus Ch. Maqsood & others*], whereby the learned trial Court after conducting preliminary inquiry, summoned the Applicant/accused to face trial under the provision of sections 3 and 4 of the Illegal Dispossession Act, 2005 [“IDA, 2005”].

2. Learned counsel for the Applicant submitted that the Applicant is the lawful owner of the disputed property, namely Plot No. LCS Row 2, ST-6, Block-5, KDA Scheme No. 24, Karachi. It was further contended that Civil Suit No. 1676 of 2024 is already pending adjudication before the learned IIIrd Senior Civil Judge, Karachi (East), wherein the question of title between the parties is *sub judice* and will be finally determined by the trial Court. Counsel further submitted that Flat No. G-01, constructed upon the subject property, stands allotted in favour of the Applicant, as evidenced from the record (**refer page 287 of the court file**), which contains the schedule of payment in the name of Rashid Nisar. It was emphatically argued by counsel for the Applicant that the matter in controversy is purely

of a civil nature, involving disputed questions of title and possession, and therefore, initiation or continuation of criminal proceedings in such circumstances is unwarranted.

3. Learned Assistant Prosecutor General, while vehemently controverting the submissions advanced on behalf of the Applicant, submitted that the learned trial Court, after conducting a preliminary inquiry, has rightly summoned the Applicant along with other co-accused persons. It was contended that, during the course of such inquiry, sufficient material surfaced to prima facie establish that the Respondents are the lawful owners of the disputed property, whereas the Applicant is in unlawful possession thereof. He further argued that the impugned order has been passed strictly in accordance with law and does not call for any interference by this Court at this stage.

4. Heard learned counsel and perused the material available on record.

5. The Illegal Dispossession Act, 2005, was promulgated with the object of safeguarding the rights of lawful owners and occupiers of immovable property. Under the said enactment, any dispossession of an owner or occupier otherwise than through due process of law constitutes an offence. The legislative intent of the Act is not to serve as a mechanism for the prosecution of alleged land grabbers or so-called *qabza mafia* per se, but rather to ensure protection of the proprietary and possessory rights of parties in respect of immovable property, and to provide a legal remedy against unlawful dispossession.

6. From a perusal of the impugned order, it transpires that the matter was referred for investigation to the Assistant Commissioner, Gulshan-e-Iqbal Town, Karachi, who, upon inquiry, confirmed that the complainant/Respondent is the lawful owner of the subject property, whereas the Applicant herein (Respondents in below proceedings) are in occupation thereof without any lawful authority

or entitlement. The mere pendency of a civil suit pertaining to the same subject matter does not, by itself, bar criminal proceedings, as civil and criminal remedies are distinct and can proceed concurrently, independently of each other, in accordance with their respective scope and merits under the law.

7. For the foregoing reasons, the Applicant has failed to point out any illegality, jurisdictional defect, or material irregularity in the impugned order so as to warrant interference by this Court. Consequently, the instant Criminal Revision Application, being devoid of merit, is dismissed accordingly.

**JUDGE**

*\*PS/SADAM*