

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No. 194 of 2025

Applicant : Mst. Naila W/o. Abdul Ghafoor
Through Mr. Muhammad Irfan,
Advocate

The State : through, Ms. Najma Latif Golo,
A.P.G.

Respondent No.2 : Station House Officer
of PS Surjani Town

Respondent No.3. : Rana Muhammad Nadeem
S/o. Rana Muhammad Aslam
Through Mr. Raja Ali Asghar,
advocate :

Date of hearing : 17.08.2026.

Date of Order : 17.08.2026.

ORDER

Jan Ali Junejo, J:-- Through this Criminal Revision Application under Sections 435 & 439 Cr.P.C., the applicant/accused Mst. Naila W/o. Abdul Ghafoor seeks setting aside of the order dated 06.08.2025 (hereinafter referred to as the "*Impugned Order*") passed by the learned Additional Sessions Judge-IV, Karachi West, in Direct Complaint No. 55/2025 [Re. Rana Muhammad Nadeem Vs. Mste. Naila & Os], whereby the learned Sessions Judge was pleased to admitted the complaint against the accused persons and issued bailable warrants in the sum of Rs.40,000/- each.

2. The genesis of the present matter emanates from a direct complaint filed by Rana Muhammad Nadeem (Respondent No.3) under Sections 3, 4, 7 and 8 of the Illegal Dispossession Act, 2005, wherein he alleged that he is the lawful owner of House No.30, ST-05, Sector 7-B, Scheme-41, Surjani Town, Karachi West, and that all original title and possession documents are in his custody. He intended to sell the said house and, through an estate agent,

engaged proposed accused No.3, who visited the property alongwith a prospective purchaser and paid Rs.5,000/- as token money but thereafter disappeared. On 06.03.2025, Respondent No.3 was informed by his neighbours, Ishaq and his son Irshad, that proposed accused Nos.1 and 2, in collusion with accused No.3, had allegedly trespassed into the house after breaking its lock, prepared forged and fabricated documents, and were demanding *bhatta* for vacating the premises while extending threats to the life and safety of Respondent No.3 and his family. Respondent No.3 approached the SHO, Police Station Surjani Town, for registration of an FIR, but no action was taken, whereafter he filed a petition under Section 22-A, Cr.P.C., which was disposed of by the learned IV-Additional Sessions Judge, Karachi West, vide order dated 09.05.2025. It was further alleged that accused No.1 subsequently instituted Civil Suit No.2394/2025 on the basis of a purported forged and fabricated sale agreement, claiming to have purchased the house from Respondent No.3; however, upon disclosure of the true facts, the plaint was rejected by the learned Trial Court. According to Respondent No.3, proposed accused Nos.1 and 2 continue to remain in illegal possession of the house, while accused No.3 facilitated their occupation and the preparation of forged documents, and all the proposed accused are threatening Respondent No.3 and refusing to vacate the premises.

3. During the trial proceedings, the learned Additional Sessions Judge, after calling reports from the concerned Station House Officer and conducting necessary inquiries, formed a *prima facie* opinion that a case against the accused persons was established and accordingly took cognizance against the accused persons to facilitate a fair and just conclusion.

4. Learned counsel for the applicant contends that the impugned order dated 06.08.2025 passed by the learned IV-Additional Sessions Judge, Karachi West, in ID No.55/2025 under Sections 3, 4, 7 and 8 of the Illegal Dispossession Act, 2005, is illegal, arbitrary and contrary to the facts and law. He submits that the applicants neither trespassed into the subject house nor extended any threats to Respondent No.3; rather, as admitted in the complaint itself, the applicant had visited the house as the prospective purchasers, paid Rs.5,000/- as token money and subsequently purchased the property by paying the entire sale consideration, whereafter peaceful physical possession was handed over to them. Learned counsel further submits that the applicant has been residing in the house and, when she was allegedly threatened by Respondent No.3 and others, she approached the police and thereafter the competent Court, pursuant to which FIR No.281/2025 under Sections 452, 448, 511, 354, 427, 506-II and 14 PPC was registered; however, after investigation, the police submitted a final report under Section 173, Cr.P.C. in 'C' class, which was accepted. He further submits that the applicant's civil suit was dismissed under Order VII Rule 11, CPC, and she subsequently sought and obtained protection from the learned District & Sessions Judge, Karachi West. According to learned counsel, the learned IV-Additional Sessions Judge failed to properly appreciate the material available on record, particularly the dispute regarding title and possession, and passed the impugned order without lawful determination or verification of the relevant title documents; hence, the impugned order is liable to be set aside.

5. On the contrary, learned counsel for respondent No.3, staunchly defended the impugned order and submitted the impugned order dated 06.08.2025 is just, proper and based upon the police inquiry, documentary evidence and statements of witnesses, and therefore calls for no interference. He contends that Respondent No.3 never sold the subject property to the applicant and that the

alleged sale agreement is forged and fabricated, as he neither executed nor signed the same nor affixed his thumb impression thereon. He further submits that the applicant, in collusion with her husband and the estate agent, trespassed into the subject house after breaking its lock and is in illegal occupation thereof, whereas all original title and ownership documents remain in his possession. Learned counsel argues that the applicant's FIR No.281/2025 was investigated and ultimately disposed of under 'C' class, which order has attained finality, while the civil suit filed by the applicant was also dismissed by the learned Civil Court. According to learned counsel, the learned Trial Court rightly took cognizance of the complaint after considering the police inquiry report, documentary material and statements of local witnesses, and the applicant has failed to show any illegality or irregularity in the impugned order; hence, the revision application is devoid of merit and is liable to be dismissed.

6. Learned Assistant Prosecutor General Sindh supported the cognizance order and submitting that the learned trial court had sufficient material before it to conclude that a prima facie case was established against the accused persons under the provisions of the Illegal Dispossession Act, 2005. The learned A. PG contended that the inquiry conducted by the concerned SHO provided adequate foundation for the trial court to exercise its jurisdiction under the Act.

7. I have carefully considered the submissions advanced by learned counsel for the parties and the learned Assistant Prosecutor General, Sindh, and have perused the available record.

8. The principal contention of learned counsel for the applicant is that the applicant is in lawful possession of the subject house pursuant to the alleged sale transaction and that the dispute is essentially one of title and possession. However, such contention

involves disputed questions of fact which cannot be conclusively determined in the present revisional proceedings, particularly when the learned Trial Court has merely taken cognizance after conducting the requisite inquiry. The complainant, on the other hand, claims ownership of the subject property and specifically alleges that the applicant, in collusion with others, unlawfully entered into the house after breaking its lock and thereafter remained in illegal possession thereof. The complainant has further denied having executed any sale agreement in favour of the applicant and asserts that the documents relied upon by the applicant are forged and fabricated. At this stage, these rival claims require evidence and proper adjudication before the learned Trial Court.

9. It is also pertinent to observe that the learned Trial Court, while dealing with the direct complaint, called for the requisite police report and conducted an inquiry before forming a prima facie opinion regarding the allegations levelled against the accused persons. The material collected during such inquiry, coupled with the documentary evidence and statements of the witnesses, was considered sufficient by the learned Trial Court to proceed against the accused persons. Therefore, the exercise of jurisdiction by the learned Trial Court cannot, prima facie, be termed arbitrary, without lawful authority or based on no material.

10. It is well-settled that, at the stage of taking cognizance of a complaint under the Illegal Dispossession Act, 2005, the learned Trial Court is required only to form a tentative opinion as to whether a prima facie case is made out. A detailed appreciation of evidence or final determination of disputed questions of title and possession is not warranted at such stage. In the present case, the learned Trial Court, after obtaining the inquiry report and considering the material available on record, formed the requisite

prima facie opinion and accordingly took cognizance and issued process against the accused persons.

11. The revisional jurisdiction is limited and is not intended to substitute the opinion of the revisional Court for that of the Trial Court unless the impugned order suffers from patent illegality, material irregularity, perversity or jurisdictional defect. No such illegality or jurisdictional defect has been pointed out in the impugned order. The grounds raised by the applicant essentially relate to disputed questions of fact and appreciation of evidence, which can appropriately be considered by the learned Trial Court during the proceedings.

12. In view of the foregoing discussion, I find no illegality, perversity, material irregularity or jurisdictional defect in the impugned order dated 06.08.2025 warranting interference by this Court in exercise of its revisional jurisdiction. Consequently, the instant Criminal Revision Application, being devoid of merit, is hereby dismissed. The impugned order dated 06.08.2025 is maintained. The learned Trial Court shall proceed with the complaint strictly in accordance with law and decide the same on its own merits, uninfluenced by any observation made herein.

JUDGE