

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appl. No. 283 of 2025

Applicant : Muhammad Imran son of Muhammad Mateen
through Mr. Salman Nanji, Advocate

Respondents : Rao Tariq & Others

Date of hearing : 07.04.2025.

Date of order : 15.04.2025.

ORDER

KHALID HUSSAIN SHAHANI, J. – The applicant has invoked the inherent jurisdiction of this court against the orders dated 04.06.2024 and 10.02.2025, passed by the court of learned VIII Judicial Magistrate, South Karachi in Criminal Case No. 4535 of 2023 and learned VI Additional Sessions Judge, South Karachi in Criminal Revision Application No. 106 of 2024, whereby the applicant's request for initiating proceedings under Section 211 PPC was declined on the pretext that the applicant was acquitted in the underlying FIR No.283/2023 on the basis of benefit of doubt and that there was no express finding of falsity or malicious prosecution.

2. Learned counsel for the applicant argued that the impugned FIR was instituted by the private respondents after considerable delay, following the applicant's resignation and commencement of a competing business, thereby suggesting malice and ulterior motives. It is further urged that the charge sheet lacked specific evidence, no stolen items were recovered, the statements of prosecution witnesses were vague, and the complainant failed to identify any other alleged accomplices. The learned trial court, it is submitted, overlooked these aspects and wrongly dismissed the application for initiating proceedings under Section 211 PPC as non-maintainable merely because the acquittal was on benefit of doubt.

3. I have heard the applicant's counsel and examined the record. The law on the subject is well settled. Section 211 PPC penalizes a person who, with intent to cause injury, institutes or causes to be

instituted any criminal proceeding or falsely charges any person, knowing that there is no just or lawful ground. However, it is equally well established through judicial pronouncements that a mere acquittal, even after a full-fledged trial, particularly one based on benefit of doubt, does not ipso facto lead to the inference that the prosecution was false or malicious within the contemplation of Section 211 PPC.

4. In this regard, reliance may be placed on *Muhammad Juman v. The State* (2005 YLR 1785), wherein this Court held that issuance of show cause notice is mandatory before initiating proceedings under Section 211 PPC, and further that the benefit of doubt or acquittal in a complaint case is not tantamount to a finding of falsity. Similarly, in *Mushtaque Ahmed v. The State* (2018 PCrLJ Note 97), proceedings under Section 211 PPC were considered sustainable only where the FIR had been conclusively found to be false, for instance, by a B-class report approved by the court or a direct finding in a judgment.

5. In the present matter, the acquittal judgment dated 26.01.2024 annexed with the application does not record any finding of malice or falsity in the institution of the FIR. In fact, the applicant was acquitted by granting benefit of doubt, which by its very nature is recognition of insufficiency of evidence rather than an affirmative declaration of innocence or falsity of the prosecution. The trial court was, therefore, correct in observing that the bar to proceeding under Section 211 PPC stood attracted in the absence of a finding that the complaint was false and maliciously motivated.

6. While the applicant has cited several circumstances to demonstrate malice, such as employment history, delay in registration of FIR, insufficiency of evidence, and procedural gaps in investigation, these factors, however relevant in a civil context, do not meet the strict threshold of criminal liability under Section 211 PPC, unless there is cogent proof that the accusation was false to the knowledge of the complainant and initiated with the intent to cause harm.

7. The learned Revisional court has rightly endorsed the decision of the trial court. I find no illegality, material irregularity or

miscarriage of justice in either of the impugned orders which would warrant interference under the supervisory jurisdiction of this Court.

8. Accordingly, this Criminal Miscellaneous Application is dismissed in *limine*. However, the applicant shall remain at liberty to pursue any civil remedy available to him in accordance with law, if advised.

J U D G E