

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Miscellaneous Application No.50 of 2021

Applicant : Habib Bank Limited, through its authorized person
Through M/s. Kashif Hanif & Ali Haider, advocates

Respondents : The State
Through Ms. Rahat Ahsan, Addl. P.G Sindh

Date of hearing : 20.05.2025

Date of order : 30.05.2025

O R D E R

KHALID HUSSAIN SHAHANI, J.:- Through this Criminal Miscellaneous Application, the applicant, Habib Bank Limited, through its authorized officers, has called in question the order dated 30.11.2020 passed by the learned Additional Sessions Judge-XII/Ex-Officio Justice of Peace, Karachi West in Criminal Misc. Application No.1873/2020, whereby the request for direction to the concerned police station for registration of FIR was declined.

2. Learned counsel has argued that the information provided to the police prima facie disclosed the commission of cognizable offences, including criminal breach of trust, misappropriation, and cheating, committed by the godown keeper and others in respect of pledged goods, and thus the SHO SITE-A was legally bound in pursuance of Section 154 Cr.P.C. to register the FIR. It was contended that the learned Ex-Officio Justice of Peace failed to exercise jurisdiction in accordance with law and ignored the binding principles that once a cognizable offence is made out, the police must register an FIR.

3. I have examined the record with the assistance of learned counsel and also perused the impugned order.

4. The impugned order dated 30.11.2020 reflects that the learned Ex-Officio Justice of Peace, upon receiving comments from the concerned police officials and hearing the parties, formed the opinion that the matter essentially pertained to a commercial or civil dispute over pledged goods and competing claims arising after the death of a borrower, where representatives of multiple banks, including the applicant, were involved. The learned Judge rightly observed that disputed questions of title and possession over goods

stored in a bonded warehouse do not, in the absence of clear and direct allegations attracting the penal provisions, constitute grounds for invoking criminal jurisdiction through the mechanism of Section 22-A Cr.P.C.

5. It is a settled proposition of law that the powers under Section 22-A Cr.P.C. are not meant to settle private or civil disputes under the garb of criminal law, nor can the Ex-Officio Justice of Peace be compelled to direct registration of FIR where alleged offences are not clearly cognizable in nature. Where the allegations are entangled in contractual relationships, pledge arrangements, or business claims, the appropriate remedy lies before civil or banking courts, and not through initiation of criminal proceedings unless a definitive criminal intent is manifest.

6. The impugned order, in my view, does not suffer from legal infirmity. No case is made out for interference in revisional jurisdiction. The application is misconceived and devoid of merit. Accordingly, this Criminal Miscellaneous Application is dismissed.

J U D G E