

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Misc. Appln. No.S- 88 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1.For orders on office objection as flag A.
- 2.For hearing of main case.
- 3.For hearing of MA No.1410/2025.

21.5.2025.

Mr. Rafique Ahmed K. Abro, advocate for the applicant.

Mr. Aitbar Ali Bullo, D.P.G.

Respondent/accused Ali Akber Bhutto is present in person.

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Through this criminal miscellaneous application, applicant/ complainant Mst.Anwar Khatoon has impugned the order dated 18.02.2025 passed by learned Consumer Protection Judge/Judicial Magistrate, Larkana on the report filed under Section 173 Cr.P.C, whereby investigating officer submitted challan and deleted Sections 468 and 471 PPC and being aggrieved instant application is filed.

Facts giving rise to filing of instant application are that on 01.01.2025 complainant Mst. Anwar Khatoon lodged FIR vide Crime No.01 of 2025 under Sections 447, 506/2, 468, 471, 427, 34 PPC at PS Darri District Larkana stating therein that she resides in Mohalla Murad Wahan, and serves as security in Karachi, her mother namely Mst. Shafiat Khatoon was given property by her father namely Haji Juman Bhutto from un-city survey bearing area 750 sq feet and the property: consists upon double story building. Her mother had gifted share of 05 wesa to her son Ali Anwar and above mentioned property was given to Muhammad Yaseen, such affidavit is also lying with them. About some years back complainant's mother had given the same house to her son Ali Anwar for temporary residence, as presently the Ali Anwar and Yaseen have expired, and now her nephews namely 1.Ali Ashgar, 2. Ali Akbar, 3. Ali Haider, 4. Ali Gul, all four sons of late Ali Anwar Bhutto are residing in the above property, and complainant for her duties is residing in Karachi in rented house. On 17.12.2024 complainant returned from Karachi to Larkana, at about 02.00 complainant along with her cousin, Irshad Ali s/o Abdul Khaliq Bhutt, 2. And her relative Noushad Ali s/o Taj Muhammad Bhutto, both r/o Mohalla Murad Wahan Larkana, altogether went to the house,

where accused 1. Ali Asghar, 2. Ali Akbar, 3. Ali Haider, and 4. Ali Gul were available in the house, complainant told them to vacate the house as the complainant and children of late Muhammad Yaseen would reside, on her saying all accused told complainant that they would not vacate the house as they have illegally occupied over the property, so also they have manipulated the forged documents, by saying so all accused too out pistols from their folds, pointed upon complainant party and issued them murderous threats, that if complainant again demanded her house back thus she would be done to death, complainant party due to fear of weapons remained mum. Thereafter complainant approached to the high ups of the police so also the enquires were found in favour of complainant, thereafter complainant went to PS and lodged FIR to the above effect.

After registration of FIR, younger brother of main accused namely Ali Haider was arrested and subsequently he was enlarged on bail. From perusal of record it reflects that certain allegation was made against a Judicial Officer/Additional Registrar Mr.Ghulam Qadir Tunio wherein on 10.01.2025 Mst. Gulzar Khatoon W/O late Ali Anwar Bhutto moved application to honourable Chief Justice, High Court of Sindh stating therein that her husband was owner of the house situated in Survey Nos. 156 and 157 Deh Larkana admeasuring 720 sq.ft and such record of rights viz. entry No.8372 dated 29.6.2006 is available in the name of her husband late Ali Anwar Bhutto. She also moved certain applications to other higher authorities.

During pendency of this case, it was contended by the accused persons there is evidence to prove that Mr.Ghulam Qadir Tunio, Additional Sessions Judge is involved in this case. He has produced the USB containing video and photographs, taken on record. Per accused namely Ali Akber present in Court, in the said video it is clear that Mr.Tunio duly muffled face attacked upon his house along with is police guard and miserably tortured his mother and other family members and then broken wall of the house. In support of his contention, he has relied upon USB and photographs which clearly indicate the wall of the house of accused persons is broken and only person duly armed is sitting on the chair. Mother of the accused persons also protested in social media and she has produced Form VII B and other documents in support of her claim that they are owner of the said property.

Record reflects that one agreement was produced before this Court wherein it has been disclosed that Mst.Shafiat Khatoon, mother of complainant of Crime No.01 of 2025 of P.S Darri sold said house to Mr. Abdul Qadir Tunio. From perusal of said agreement it reflects that this was an e-

stamp wherein Mst.Shafiat Khatoon sold house to Mr.Tunio though she clearly knew that neither she was owner of the said property nor the property was registered in her name. On the basis of said agreement, Mr.Tunio allegedly occupied the said house by force.

During proceedings of this case, Mr.Abid Hussain Qazi, Deputy Registrar was appointed as Commissioner and he was directed to accompany with accused Ali Akber Bhutto on which he visited the place of incident/house in question and he has submitted report that some family is residing in the lower portion of the said house who informed him that they are tenants of Mr.Tunio and said house is sold to him by Mst.Shafiat Khatoon. However, it is very strange to know here that the Commissioner Mr. Abid Hussain Qazi has written in his report that no broken wall or any person forcibly occupying the disputed house were seen by him.

On the other hand, accused party has produced the photographs out of which in one picture apparently there is a broken wall and one person duly armed is sitting on chair, while in other pictures Mr.Ghulam Qadir Tunio, Additional Sessions Judge is visible with open face as well as muffled face. Accused present in Court states that Mr.Tunio while entering into house also dragged her mother and sister from hair. They submit that no one is ready to investigate the matter impartially. However, they are real owners of the house and since their birth they are residing in the same house. Accused also relied on another picture wherein a police guard and a private person were present who allegedly had illegally occupied the said house.

From the above conduct, it appears that a Judicial Officer (Mr.Ghulam Qadir Tunio, Additional Sessions Judge) has misused his power and position and such allegation is supported by photographs and USB containing video evidence brought on record wherein he alongwith an armed person are apparent. Accused also complained that being a Judicial Officer police has failed to conduct investigation rather they have falsely implicated them in this case and Mst. Shafiat Khaton is not owner of the house who after managing false agreement they have been forcibly dispossessed.

In view of above, the investigation of Crime No.01 of 2025 of P.S Darri Larkana is hereby transferred to IGP Sindh Karachi with direction to appoint two SSPs outside Larkana Division preferably from Karachi as Investigating Officers for further investigation of the case and submit progress report on the next date of hearing. Let copy of this order be sent to Registrar of this Court with direction to place it before Honourable Chief Justice for

appropriate order. Meanwhile proceedings arisen out of Crime No.01 of 2025 of P.S Darri Larkana are stayed till further order. Adjourned to 16.6.2025. USB and Photographs produced by the respective parties are taken on record. The SSPs to be appointed by IGP Sindh are also directed to make the above USB and photographs as part of investigation.

JUDGE

Shabir/P.S