

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Criminal Revision Application No. S-26 of 2023
(Israr-ul-Ebad Khan vs. The State and others)

DATE

ORDER WITH SIGNATURE OF JUDGES

1. For orders on office objection at A
2. For hearing of main case

09.12.2025.

Mr. Abdul Mutalib, Advocate for the applicant
Mr. Abdul Hameed, Advocate for respondents No.2 and 3
Mr. Muhammad Moshin Mangi, Assistant Prosecutor General.

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Ali Haider 'Ada', J:-Through this Criminal Revision Application, the applicant has assailed the order dated 29.11.2022 passed by the III-Additional District and Sessions Judge, Karachi Central in Complaint No. Nil of 2022, whereby the learned trial Court, after hearing the parties and considering the material, dismissed the complaint.

2. The brief facts, as presented by the applicant, are that the property bearing Plot No. WSA-02, admeasuring 500 square yards, Block-14, KDA Scheme No.16, F.B. Area, Karachi, is an inherited property. The applicant alleges that his brother, Dr. Ishratul Ebad, unlawfully executed a Relinquishment Deed in his own favour, and thereafter sold the property to respondent No.2 through a registered Sale Deed. It is further contended that the applicant, being a throat cancer patient, had engaged respondent No.2 to look after his marble factory constructed on the said property, as respondent No.2 was also engaged in the marble business. The applicant further alleges that on 28.09.2021, between 10:00 a.m. to 11:00 a.m., respondent No.2, in collusion with respondent No.3 and accompanied by 20 to 25 other persons, forcibly and unlawfully occupied the factory. He claims that such unauthorized occupation is reflected in CCTV footage, where after he filed the complaint.

3. Upon receipt of the complaint, the learned trial Court directed a police inquiry, and subsequently dismissed the complaint through the impugned order.

4. Learned counsel for the applicant contends that the trial Court erred in relying upon the police report and documents produced by the

respondents, as the validity of the Relinquishment Deed and the Sale Deed is already under challenge before the competent Civil Court. According to him, the trial Court was required only to determine whether the applicant had been dispossessed from the property through force or illegal means, as contemplated under the Illegal Dispossession Act. It is argued that since the Relinquishment Deed was unlawful, any defence based on such documents ought not to have been considered at this preliminary stage. He submits that the impugned order is illegal and liable to be set aside.

5. Conversely, learned counsel for respondents No.2 and 3 has opposed the revision, arguing that the property was lawfully sold through registered documents, and that respondents have valid title as well as lawful possession. It is further argued that no forcible dispossession ever occurred, and that the dispute between the applicant and his brother is essentially civil in nature, which is already sub judice before the Civil Court. He submits that criminal proceedings under the Illegal Dispossession Act cannot be invoked to convert a civil dispute into a criminal case. Learned counsel maintains that the impugned order is well-reasoned and does not warrant interference. Learned APG has also supported the impugned order.

6. Heard and perused the material available on record

7. The scope of the Illegal Dispossession Act, 2005, introduced into the legal framework to address the persistent issue of unlawful occupation of immovable property, represents a significant legislative development. Prior to its enactment, criminal remedies for dispossession were primarily governed by Sections 447 and 448 of the Pakistan Penal Code, along with related provisions. While these sections criminalized trespass, they did not adequately provide to the practical need for recovery and restoration of possession to the rightful owner during the pendency of criminal proceedings. This gap created substantial difficulties for individuals who, despite initiating criminal action, remained deprived of their property until conclusion of prolonged litigation. Recognizing this deficiency, the legislature enacted the Illegal Dispossession Act, 2005, with the express purpose of curbing

the growing menace of land-grabbing and illegal occupation. The Act not only criminalizes dispossession by land-grabbers but also empowers the Court, under specified conditions, to order restoration of possession to the lawful owner even during the course of criminal proceedings. Such authority, however, is circumscribed by certain safeguards to ensure that the extraordinary remedy is not misused and is applied only where the complainant demonstrates prima facie entitlement to possession and unlawful dispossession by the accused. For ready reference, Section 3 of the Illegal Dispossession Act, 2005, is reproduced as under:

3. Prevention of illegal possession of property, etc.-(1) No one shall enter into or upon any property to dispossess, grab, control or occupy it without having any lawful authority to do so with the intention to dispossess, grab, control or occupy the property from owner or occupier of such property.

(2) Whoever contravenes the provisions of the sub-section (1) shall, without prejudice to any punishment to which he may be liable under any other law for the time being in force, be punishable with imprisonment which may extend to ten years and with fine and the victim of the offence shall also be compensated in accordance with the provision of section 544 A of the Code.

[(3) Whoever forcibly and wrongfully dispossesses any owner or occupier of any property and his act does not fall within subsection (1), shall be punished with imprisonment which may extend to three years or with fine or with both, in addition to any other punishment to which he may be liable under any other law for the time being in force. The person dispossessed shall also be compensated in accordance with provisions of section 544A of the Code.]

8. The provision, when read with the remaining sections of the Act, makes it clear that the jurisdiction of the Court is invoked only when dispossession is prima facie unlawful, intentional, and by a person lacking lawful authority. It further establishes that the Act is not intended to adjudicate complex civil disputes over title or inheritance, which is within the exclusive domain of the civil courts. Rather, it provides a speedy criminal remedy in cases of clear, forcible, and unauthorized occupation. The legislative intent, therefore, reflects a balanced approach that strengthens the criminal justice system against

illegal dispossession while preventing its use in matters which are essentially civil in nature.

9. That the person invoking the jurisdiction of the Court under the Illegal Dispossession Act must, at the very outset, demonstrate through cogent and corroborative material that he was dispossessed by use of force or by any unlawful means. Mere allegations, unsupported by reliable evidence, do not suffice to attract the penal consequences contemplated by the Act. In the present case, the record itself contradicts the stance later adopted by the applicant. In paragraph 8 of the complaint, the applicant explicitly stated that the property had been voluntarily handed over to respondent No.2 when the applicant engaged him to supervise and manage the factory. Once possession is consciously delivered by the complainant, any subsequent claim of forcible dispossession demands strict scrutiny and compelling proof, which is conspicuously absent in the material produced.

10. Furthermore, reliance solely on the assertion contained in paragraph 12 of the complaint cannot satisfy the evidentiary threshold required under the Act. The complaint must be read as a whole, and where the complainant's own narrative indicates voluntary entrustment of possession, the allegation of later forcible occupation requires clear and credible substantiation. It is for this reason that proceedings under section 5 of the Illegal Dispossession Act, 2005, are to be approached with utmost care and caution, particularly where the dispute appears intertwined with civil rights or contractual arrangements. For ready reference, the scope of Section 5 of the Illegal Dispossession Act, 2005, is reproduced as under:

5. Investigation and procedure.-(1) Upon a complaint the Court may direct the officer-in-charge of a police station to investigate and complete the investigation and forward the same within fifteen days to the Court:

Provided the Court may extend the time within which such report is to be forwarded incase where good reasons are shown for not doing so within the time specified in this sub-section.

(2) On taking cognizance of a case, the Court shall proceed with the trial from day to day and shall decide the case within sixty days and for any delay, sufficient reasons shall be recorded.

(3) The Court shall not adjourn the trial for any purpose unless such adjournment is, in its opinion, necessary in the interest of justice and no adjournment shall in any case be granted for more than seven days.

[(4) On conclusion of the trial, if the complaint is found to be false, frivolous or vexatious, the Court may award compensatory cost to the person complained against which may extend to five hundred thousand rupees.

11. This provision clearly reflects that unless a prima facie case of illegal dispossession is established at the preliminary stage, the Court is neither empowered nor obligated to summon the accused or to order restoration of possession. The complainant must first show, through tangible material, that he was in settled possession and that such possession was disturbed through force, intimidation, deceit, or unlawful means. In the absence of such foundational evidence, as in the present case, the complaint does not qualify for further proceedings under the Act. In this context, when it is an admitted fact that the underlying dispute is between two brothers namely Israrul Ebad and Ishratul Ebad and that the question of title, inheritance, and validity of the documents is already pending adjudication before the competent Civil Court, the position of respondent No.2 cannot, by any reasonable legal standard, be equated with that of a land-grabber, mafia, or even a wrongful occupier. Respondent No.2 is in possession pursuant to a registered Sale Deed executed in his favour by the applicant's brother, who claims lawful authority to transfer the property. Whether such authority was rightly exercised or whether the Relinquishment Deed preceding it was lawful are questions strictly of civil nature and are already sub judice before the Civil Court. Reliance in this regard is placed upon authoritative judgments, which consistently hold that:

NADEEM WAQAR KHAN Vs JAVED MASOOD AHMED KHAN PLD 2020 Sindh 8

4. There is no cavil to the proposition that complaint under the Illegal Dispossession Act 2005 is maintainable against any person who forcibly dispossesses the occupier or owner but such remedy is never meant to settle civil dispute or a substitute for civil suit. Here in this

case the applicant himself admits the status of respondent (accused) as that of 'partner' though alleged to be sleeping.

Haji ABDUL KARIM MEMON and another Versus The STATE and another 2019 YLR 2376

10. There appears to be a case of civil nature between the parties and in my view, the record shows that the subject property in fact is a Municipal land and both parties are falsely claiming their right to such public land. The Honourable Supreme Court time and again has issued directions that all public lands should be removed from encroachments and should be used only for public purposes.

Nawabzada MUHAMMAD USMAN KHAN Versus Nawabzada MUHAMMAD FATEH KHAN and another 2013 YLR 1001

5. According to contents of the complaint it is an admitted fact that the petitioner and respondent No.1 are the real brothers being the sons of Nawabzada Muhammad Khalid Khan who in his life time partitioned his land amongst three sons i.e. petitioner, respondent No.1 and Changez Khan. It is also an admitted fact that there is a dispute between the co-owners over possession of the property and to this effect the petitioner/complainant has filed civil suit under section 9 of the Specific Relief Act, which is pending adjudication and simultaneously registered a criminal case vide F.I.R. No.749 dated 28-8-2011 under sections 379, 447, 427, 148 and 149 against respondent No.1 and during the pendency of the above matter, the petitioner also filed the instant complaint so it was a dispute between the two brothers over the property left by their predecessor-in-interest, furthermore, respondent No.1 neither belongs to a class of property grabbers nor Qabza Group, hence no case under section 3 of Illegal Dispossession Act has been made out. Reference is made to the judgment of a Full Bench of the Lahore High Court in Zahoor Ahmad and others v. The State and others (PLD 2007 Lahore 231) wherein it has been held that the Illegal Dispossession Act, 2005 was restricted in immovable property which has allegedly come about through the hands of a class or group of persons who could qualify as property grabbers/Qabza Groups/land mafia and the said Act was being invoked and utilized by the aggrieved persons against those who have credentials of antecedents being members of the Qabza Groups or land mafia. It was further held that the Illegal Dispossession Act, 2005 has been found to be completely nugatory to its contents as well as objectives. Reliance is also placed on "Mobashir Ahmad v. The State (PLD 2010 SC 665) and "Habib Ullah v. Abdul Manan" (2012 SCMR 1533).

KHADIM ALI Versus HAKIM ALI and another 2021 YLR 1556

11. In view of what has been stated above, I am of the view that the parties are disputing over the subject property and the respondent Hakim Ali claimed to be in possession of the disputed property prior to the alleged date of dispossession shown by the complainant, who has not substantiated his case as set out in his ID complaint by any evidence worth consideration and no case attracting the provisions of Illegal Dispossession Act, 2005 has been made out by the complainant and the matter is purely of civil nature, as the claim of the parties

regarding ownership and possession over the disputed property can only be sifted by adducing evidence of the nature before the Court of plenary jurisdiction with consequential relief of possession in appropriate proceedings. I have seen the impugned judgment dated 28.03.2017, passed by the learned trial Court acquitting the respondent on failure of the complainant to prove his case against the respondent beyond a reasonable doubt. Patently the impugned acquittal judgment is apt to the facts and circumstances of the case, which suffering from no illegality or misreading or non-reading of the evidence does not call for any interference in criminal acquittal appeal under the provisions of section 417, Cr.P.C. In the case of Muhammad Shafi v. Muhammad Raza and another (2008 SCMR 329), the Hon'ble Supreme Court of Pakistan has held that:-

"An accused is presumed to be innocent in law and if after regular trial he is acquitted he earns a double presumption of innocence and there is a heavy onus on the prosecution to rebut the said presumption. In view of the discrepant and inconsistent evidence led, the guilt of accused is not free from doubt, we are therefore, of the view that the prosecution has failed to discharge the onus and the finding of acquittal is neither arbitrary nor capricious to warrant interference. The petition having no merit is dismissed and leave is refused."

BASHIR AHMAD Versus ADDITIONAL SESSIONS JUDGE, FAISALABAD and 4 others PLD 2010 Supreme Court 661

4. After hearing the learned counsel for the petitioner and going through the documents appended with this petition it has been noticed by us that while recording the acquittal of respondents Nos. 2 to 4 upon acceptance of their application submitted under section 265-K, Cr.P.C. the learned Additional Sessions Judge, Faisalabad had observed that the claim of respondents Nos. 2 to 4 regarding ownership and possession of the relevant parcel of land was based upon a sale-deed manifesting alienation in their favour, a Jamabandi showing the said respondents as owners in possession of the disputed land and a Khasra Girdawari reflecting that the said respondents were in possession of the land in issue. The learned Additional Sessions -Judge had also observed in his order dated 6-3-2006 that a private complaint already stood instituted in respect of commission of some criminal offences and a suit for possession as well as a suit for partition pertaining to the same land were already pending before different Courts between the same parties and, thus, the dispute between the parties over the relevant parcel of land was a bona fide dispute which was already sub judice before the civil and criminal Courts. The relevant sale deed being relied upon by respondents Nos. 2 to 4 had ostensibly made the said respondents co-sharers of the petitioner and co-owners of the land in issue and the pending suit for partition went a long way in supporting the case of respondents Nos. 2 to 4 in that respect. It had been held by a Full Bench of the Lahore High Court, Lahore in the case of Zahoor Ahmad and 5 others v. The State and 3 others PLD 2007 Lah. 231 that the Illegal Dispossession Act, 2005 has no application to cases of dispossession between co-owners and co-sharers and also that the said Act is not relevant to bona fide civil disputes which are already sub judice before civil or revenue Courts. It had also been declared by the Full Bench of the Lahore High Court,

Lahore in that case that the Illegal Dispossession Act, 2005 was introduced in order to curb the activities of Qabza groups/property grabbers and land mafia. It has been conceded before us by the learned counsel for the petitioner that no material is available with the petitioner to establish that respondents Nos. 2 to 4 belonged to any Qabza group or land mafia or that they had the credentials or antecedents of being property grabbers. In view of the discussion made above the impugned acquittal or respondents Nos. 2 to 4 recorded by the learned Additional Sessions Judge, Faisalabad upon acceptance of their application submitted under section 265-K, Cr. P. C. has been found by us to be entirely justified and dismissal of the petitioner's writ petition by the learned Judge of the Lahore high Court, Lahore has also been found by us to be unexceptionable. In the circumstances of this case mentioned above we have entertained an irresistible impression that through filing of his complaint under the Illegal Dispossession Act, 2005 the petitioner had tried to transform a bona fide civil dispute between the parties into a criminal case so as to bring the weight of criminal law and process to bear upon respondents Nos. 2 to 4 in order to extract concessions from them. Such utilization of the criminal law and process by the petitioner has been found by us to be an abuse of the process of law which cannot be allowed to be perpetuated.

SAMI UL HAQ KHILJI Versus ALI RAZA RIZVI and 2 others PLD 2010 Lahore 394

14. Even preamble of the Illegal Dispossession Act provides that the said Act is specific to the extent of the property grabbers. Though respondent No.1 has claimed that the petitioner and other accused are land grabbers but has not given any specific instance of their involvement in such activities and also has not placed on record any documentary evidence in support of his claim. The perusal of the record shows that it is a private dispute between the parties and both the parties are co-sharers in the said portion of the property which was not exclusively owned by respondent No.1 who is owning a very small share as compare to the other co-owners. Moreover, claim of the petitioner is that respondent No.1 had received a total sum of Rs.25,00,000 through cheques and also in cash which is almost equivalent to the value of his share in the said property despite the fact that his name is yet to be incorporated as co-owner in the record held by various Government Departments. The facts of the case revealed that the said dispute which is civil in nature has been converted into criminal offence by the respondent No.1 with mala fide intention in order to pressurize the petitioner and other legal heirs of Mst. Shahida Begum for grabbing further amount in spite of the fact that he had already received a reasonable amount from them. The said issue can be resolved by the civil Court, which is only competent to decide the shares of the parties or that whether any amount was due from the petitioner and other legal heirs of Mst. Shahida Begum towards respondent No.1 in respect of his share in the said property. The special enactment shows that this is exclusively applicable in the case where Qabza groups and land grabbers have taken possession of the property illegally and have a chequered history in this behalf. In the present case, there is no documentary evidence about such previous record of the petitioner and other co-owners but even then the petitioner who is admittedly a co-owner has been implicated as an accused by respondent

No.1 in the complaint. So the said Act is not applicable and the complaint filed by respondent No.1 by impleading the petitioner as an accused is not maintainable in view of the law laid down by the superior Courts. In *Zahoor Ahmad etc.'s case* (PLD 2007 Lahore 231), the Full Bench of this Court observed as under:-

"7. For the purpose of providing guidance to all the Courts of Session in the Province of the Punjab we declared as follows:

(i) The Illegal Dispossession Act, 2005 applies to dispossession from immovable property only by property grabbers/Qabza Group /land mafia. A complaint under the Illegal Dispossession Act, 2005 can be entertained by a Court of Session only if some material exists showing involvement of the persons complained against in some previous activity connected with illegal dispossession from immovable property or the complaint demonstrates an organized or calculated effort by some persons operating individually or in groups to grab by force. or deceit property to which they have no lawful ostensible or justifiable claim. In the case of an individual it must be the manner of execution of his design which may expose him as a property grabber.

(ii) The Illegal Dispossession Act, 2005 does not apply to run of the mill cases of alleged dispossession from immovable properties by ordinary persons having no credentials or antecedents of being property grabbers/Qabza Group/land mafia, i.e. cases of disputes over possession of immovable properties between co-owners or co-sharers, between landlords and tenants, between persons claiming possession on the basis of inheritance, between persons vying for possession on the basis of competing title documents, contractual agreements or Revenue Record or cases with a background of an on-going private dispute over the relevant property.

(iii) A complaint under the Illegal Dispossession Act, 2005 cannot be entertained where the matter of possession of the relevant property is being regulated by a civil or revenue Court.

All the Courts of Session in the Province of the Punjab are directed to examine all the complaints under the Illegal Dispossession Act, 2005 pending before them and to dismiss all those complaints forthwith which are found to be not maintainable in terms of the interpretation of the said law rendered by us through the present judgment."

The august Supreme Court of Pakistan in *Gul Ahmed and 3 other's case* (2000 SCMR 122) has held that in exceptional cases the High Court can quash the F.I.R. without waiting the recourse to the learned trial Court under section 249-A, Cr.P.C. or 265-K, Cr.P.C. the reliance is also placed on 2007 PCr.LJ 1280 (Lahore) and 2007 PCr.LJ 1920 (Kar.).

Syed ABDUL WAHAB Versus VIIIth ADDITIONAL DISTRICT AND SESSION JUDGE, KARACHI and 6 others 2021 MLD 395

8. It reveals from the record that four (4) civil suits for declaration, permanent injunction and possession were filed before this Court with

regard to same subject property and these suits were filed prior to institution of direct complaint. Thus, the dispute between the parties over the subject property was bona fide civil dispute, which was already subjudice before this Court in different suits. It has been held by the Full Bench of the Lahore High Court, Lahore in the case of *Zahoor Ahmad and 5 others v. The State* reported in PLD 2007 Lah. 231 that the Illegal Dispossession Act, 2005 has no application to cases of dispossession between co-owners and co-sharers and also that the said act is not relevant to bona fide civil disputes, which are already sub judice before civil or revenue Courts. It has also been declared by the Full Bench of the Lahore High Court, Lahore in that case that the Illegal Dispossession Act, 2005 was introduced in order to curb the activities of Qabza groups/property grabbers and land mafia. During the course of arguments, it has been conceded by the learned counsel for the appellant that no material is available with the appellant to establish that respondents belonged to any Qabza group or land mafia or that they had the credentials or antecedents of being property grabbers.

9. In the circumstances of this case mentioned above, I have entertained an irresistible impression that through filing of his complaint under the Illegal Dispossession Act, 2005, the appellant has tried to transform a bona fide civil dispute between the parties into a criminal case so as to bring the weight of criminal law and process to bear upon respondents in order to extract concessions from them. Such utilization of the criminal law and process by the appellant has been found by this Court to be an abuse of the process of law which cannot be allowed to be perpetuated

**MUHAMMAD ASLAM Versus IMAMUDDIN AHMED and 7 others
2013 M L D 1444**

9. Accordingly, it would be proper to examine the case in hand on the above touch-stone. Applicant himself admits that the subject matter property is undivided one hence in such like event it is legally presumed that every shareholder of a joint holding would be deemed to be in joint possession, therefore, co-sharer Mohammad Siddique, brother of applicant, cannot be legally presumed to be out of possession of such joint holding, who undisputedly sold out the share to accused/respondent through register sale deed, hence the accused / respondent, legally to be presumed, to be standing in the same position of such co-sharer. Without prejudice to this the complainant/applicant has further admitted in his complaint that the possession was handed over to the respondent by the Seller who was co-sharer with the applicants. Since the complainant/applicant himself admits about delivery of possession to the accused/respondent by an admitted co-sharer then the complainant/applicant is not legally justified to allege that the accused/respondents disposes the applicant. Further, it is also a matter of record that suit for Specific Performance was filed before this complaint and no criminal case regarding the criminal assault, if any committed by respondents/accused was lodged. Thus what becomes evident on record is that accused/respondent was put in possession by an owner (co-sharer), accused/respondent possessing subject matter under a register document and that applicant / complainant was not in possession of the subject matter at the time of alleged dispossession because admittedly prior to such date

the possession of the subject matter stood delivered to accused / respondent by brother of applicant / complainant, namely Mohammad Siddique, a co-sharer in joint holding. Moreover, under Illegal Dispossession Act, trial court is not competent to determine the legal character and make partition of the landed property , as same is not vested in its jurisdiction thus only civil court revenue fora are competent to resolve such controversies.

10. Thus keeping in view the guide-lines, provided by the honourable Supreme Court of Pakistan in the dictum, referred above, I am of the considered view that provision of section 3 of the Act is not applicable to the instant case and learned trial Court was well justified in dismissing the complaint of the complainant/applicant.

MUHAMMAD AZEEM and 3 others Versus The STATE 2023 MLD 823

11. Allegedly, the incident took place on 20.04.2006, whereas the complainant has filed the complaint under illegal dispossession in October 2010 with a delay of about four years. The claim of the appellants/accused was/is that on 08.05.2004 in the sum of Rs.980,000/ in the presence of the witness they purchased land being Survey No. 132 measuring 4-36 acres from Piyaro Khoso through sale agreement, whereas, the said Piyaro Khoso had purchased the land from one Abdul Jaleel son of Syed Shahnawaz Shah, the father of the complainant Syed Chuttal Shah. During private partition the subject land was exchanged by Syed Chuttal Shah with his brother Syed Abdul Jalil Shah since then the subject land was in possession of said Syed Abdul Jalil Shah, which was subsequently purchased by Piyaro Khoso. Since Syed Chuttal Shah exchanged some property with his brother Syed Abdul Jalil Shah and possession of the exchanged property was also transferred to each other, but the Revenue record of rights was not changed due to the death of Syed Abdul Jalil Shah son of Shahnawaz Shah. The subject property was not transferred to its owner therefore, taking the advantage of the same, the brother of late Abdul Jalil Shah filed a complaint under the Illegal Dispossession Act before the trial Court. The report was called by the learned trial Court from the concerned Mukhtiarkar (Revenue), Kandiaro. According to the report dated 03.11.2004 filed by the Tapedar, the S. No. 132, area 4-36 acres owned by Syed Chuttal Shah/Complainant but one Azeem Khoso/appellant (who died during the pendency of the appeal) was in possession of said Survey number. On the other hand, the claim of the complainant was/is that he being the owner of the property was in possession from 1971 to 2005. On 02.09.2021 one Pervez Ali, claiming himself to be the son of complainant Syed Chuttal Shah was present in court, on the query about the land Revenue receipts since 1971, he sought time to produce the same on the next date of hearing but he failed to produce the said Dhal/land Revenue receipts, to believe that the complainant was in possession of the subject land and he was continuously paying Dhal/Land Revenue receipts/tax to the government of the said land. In cross-examination PW-1 Syed Chuttal Shah/complainant admits that "I have not challenged the sale agreement in between my brother Juman Shah and Piyaro before any court of law. It is fact that agreement between Juman Shah and Piyaro still is not cancelled. I do not know if accused have purchased the land in question from Piyaro. However, accused had managed a false agreement in between

them and Piyaro." He further admits that " I had filed application under section 145, Cr.P.C before DDO Revenue Kandiaro. The application was disposed of in favour of accused. DDO Revenue had shown the possession of land as legal one in favour of accused vide order dated 28.4.2000." The complainant has also admitted in his cross-examination that he has not filed suit for declaration of the subject land. The complainant has further claimed that the Khoso community was in possession of the land in question and they were his haris but he has failed to produce a single hari in the court to support his version/claim.

12. In view of the above facts and circumstances, it is evident that the applicant has failed to demonstrate, that the present matter falls within the ambit of the Illegal Dispossession Act, 2005. No ground has been made out for interference by this Court in Revisional jurisdiction. Consequently, the instant Criminal Revision Application stands dismissed along with all pending applications, if any.

JUDGE

Wasim/PS