

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
***Criminal Miscellaneous Application No. S-648 of 2025***  
*Aftab Ashraf vs VITH Additional Sessions Judge / Justice of Peace Karachi*  
*South and others*

Date	Order With Signature Of Judges
1.	For order on the office objection
2.	For the hearing of the main case
3.	For hearing of MA No.10137/2025

**19-11-2025**

Mr. Mirza Moiz Baig, Advocate for applicant, associate of Mr. Ahmed Masood Advocate.

Mr. Shahrukh Khan Brohi, Advocate for Respondent No. 4 to 6.

Mr. Muhammad Mohsin Mangi, Asstt: Prosecutor General, Sindh.

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*Ali Haider 'Ada'J:-* Through this Criminal Miscellaneous Application, the applicant assails the order dated 08.07.2025 passed by the learned VI Additional Sessions Judge/Ex-Officio Justice of Peace, Karachi (South), whereby the application filed under Sections 22-A and 22-B, Cr.P.C. was dismissed.

2. Briefly stated, the parties are real siblings, and due to the respondents' alleged visits to the applicant's house coupled with threats, the applicant filed the said application, which, however, remained unsuccessful.

3. Learned counsel for the applicant submits that although civil litigation between the parties is already pending before the competent Civil Courts, the applicant is willing to resolve the matter amicably and, therefore, seeks reference of the matter to mediation. According to him, the alleged incident occurred only on account of the ongoing civil dispute, and the respondents' act of visiting the applicant's residence and allegedly extending threats constitutes an offence, thus justifying the filing of the application under Sections 22-A & 22-B, Cr.P.C.

4. Conversely, learned counsel appearing for respondents No.4 to 6 submits that respondent No.3 is currently residing abroad, yet he is fully aware of the pendency of the present proceedings. He

denies the allegation of the respondents visiting the applicant's residence and argues that, since comprehensive civil proceedings are pending before the Civil Court having jurisdiction, where even the execution proceedings are at a final stage, the present application under Sections 22-A & 22-B, Cr.P.C, is wholly misconceived. He maintains that the respondents are not willing to enter mediation, as the civil court has already undertaken the entire process and is seized of the matter. According to him, the applicant's sole intent in moving this application is to force the respondents through the initiation of criminal proceedings. He further submits that any grievance relating to the conduct of the parties ought to be raised before the Civil Court rather than through an application seeking registration of an FIR.

5. Learned State Counsel supports the impugned order on the ground that the dispute between the parties pertains exclusively to civil rights and is rooted in a property dispute among siblings. He adds that the entire controversy is already sub judice before the competent Civil Court, and thus the application under Sections 22-A & 22-B, Cr.P.C. was rightly dismissed.

6. Heard and perused the material available on record.

7. It is an admitted position that the dispute between the parties, who are real siblings, pertains to immovable properties and the same is already sub judice before the competent Civil Courts for adjudication. As regards the plea of commission of any cognizable offence, learned counsel for the applicant has failed to point out any ingredient of an offence falling within the purview of the Pakistan Penal Code. Mere visiting of the applicant's house, without any allegation of criminal trespass, house-breaking, or any other forcible entry, does not constitute a cognizable offence. Likewise, no specific allegation of issuance of threats amounting to criminal intimidation, within the meaning of Section 506 PPC, has been disclosed either in the application under Sections 22-A & 22-B Cr.P.C. or during arguments.

8. On such grounds, when the applicant has not been able to demonstrate the commission of any cognizable offence, he is not entitled to invoke the jurisdiction under Section 154 Cr.P.C. Furthermore, the proposal for mediation at this stage is misconceived. Once civil litigation regarding the same subject matter is already pending between the parties, the appropriate forum for redress remains the Civil Court.

9. Furthermore, from the very face of the record, the dispute between the parties is purely of a civil nature, and the civil proceedings have already reached their final stage. At such a juncture, the attempt to lodge an F.I.R. evidently appears to be a device to exert pressure upon the opposite party, rather than a bona fide effort for redress under criminal law.

10. In these circumstances, the learned Justice of Peace has rightly exercised jurisdiction in dismissing the application, and no ground has been made out for interference with the impugned order. The impugned order does not suffer from any illegality, perversity, or misreading-non-reading of material facts warranting interference by this Court. In this regard, reliance is placed upon the case of **Jamal Khan v. Secretary Home Department (2021 SCMR 468)**, wherein the Honourable Supreme Court has held that:

*4. Be that as it may, at the center of controversy is a thumb impression on an arbitration agreement being attributed to the petitioner, however, repudiated by him as forge. Report submitted by the police does not support petitioner's claim and there is consensus that both sides are locked in a dispute of civil nature. Against the above peculiar backdrop, refusal by the Justice of Peace to issue direction to the Station House Officer and non-interference by the High Court therewith do not suffer from any jurisdictional error or flaw calling for intervention by this Court. Petition fails. Leave declined.*

11. The scope of proceedings before the Ex-Officio Justice of Peace is well regulated. Although the Justice of Peace may entertain applications under Sections 22-A and 22-B, Cr.P.C., and, where warranted, issue directions to the police or other authorities, such powers cannot be invoked to convert ordinary civil disputes into criminal proceedings, nor do they authorize the Justice of Peace to embark upon a roving inquiry or act as a fact-finding tribunal. The

jurisdiction is to be exercised sparingly, cautiously, and strictly within the parameters prescribed by law, rather than mechanically or routinely.

12. The provisions under section 22-A/22-B Cr. P.C. were enacted to control police excess and to provide a judicial check where cognizable offences are alleged but police refuse to act. The duties performed under Section 22-A are quasi-judicial; the Justice of Peace may examine records, call for reports, hear the parties, and then pass a reasoned direction, but this power is limited and not an invitation to undertake a prolonged or detailed investigation before registration. Reference may also be drawn from the case of *Munawar Alam Khan v. Qurban Ali Mallano* (2024 SCM R 985).

13. It is by now well-settled that where the underlying controversy between the parties pertains to civil rights or disputes over property, the criminal machinery cannot be invoked merely to exert pressure or gain advantage in parallel civil proceedings. In the present matter, the dispute admittedly relates to civil rights over immovable property, which squarely brings the case within the domain of civil litigation. Support in this regard is drawn from the case of **Ghulam Shabir v. Muhammad Anwar and others** (2022 YLR Note 131), wherein it was held that matters involving civil disputes between the parties do not warrant initiation of criminal proceedings, nor can the provisions of Sections 22-A & 22-B, Cr.P.C. be used to convert a purely civil dispute into a criminal case.

14. Keeping in view the above facts and circumstances, and upon perusal of the material available on record, the instant Criminal Miscellaneous Application is found to be misconceived and devoid of merit. Accordingly, the same stands dismissed. However, the protection earlier extended to the applicant by the learned Ex-Officio Justice of Peace, being a right available to every citizen, shall remain intact.

*JUDGE*