

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Miscellaneous Application No.S-804 2025

Applicant: Arif Hussain Son of Muhammad Sadik Mughal
through Mr. Anjum Ahmed Siddiqui, Advocate.

Respondent: The State through Mr. Khalid Hussain Lakho,
D.P.G.

Date of hearing: 27.02.2026

Date of order: 27.02.2026

ORDER

Riazat Ali Sahar, J. Through this Criminal Miscellaneous Application, the applicant has impugned the order dated 31.10.2025, passed by the learned VIIth Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, whereby his prayer for registration of FIR was declined.

2. Briefly, the case of the applicant is that the proposed accused committed theft of an iron grill installed at the end of a private street bearing C.S. No. F/1022. The said grill, according to the applicant, was installed by his late father in the year 1982 for regulating access to the street. It is further stated that the property in question was previously owned by one Shaikh Muhammad Mubeen, who had converted his residential property into commercial use by constructing multiple shops and making structural changes, thereby ceased access towards Moti Mahal Road, Haider Chowk Hyderabad. The applicant submits that despite approaching the concerned police for registration of FIR regarding the alleged cognizable offence, no action was taken. Consequently, he filed Criminal Miscellaneous Application No. 6528 of 2025 before the learned Justice of Peace, which was dismissed vide impugned order.

3. I have heard learned counsel for the respective parties and perused the record.

4. According to applicant's counsel cognizable offence was committed which FIR ought to have been recorded by the police but the learned Ex-Officio Justice of Peace failed to issue direction and declined his prayer of FIR. I have perused the memo of application u/s 22 & B Cr.P.C which does not constitute any cognizable offence rather a civil dispute over an entrance gate of street, such reflection is as under:

“3. That the event giving rise to the present criminal complaint pertains to theft and removal of inherited movable property, viz. an Iron Grill Gate measuring 08 x 10 Sq: feet, of the applicant stolen by the proposed accused on 08-09-2025 at 1500 hours witnessed, such expression expressed by him prior to this, Iron Grill was fixed by the complainant's father on 13-10-1982 at the terminal point of a private Street C.S No: F/1022 [56-0 Sq: Yard] for ventilation merely on request of late Shaikh Muhammad Mubeen S/O Muhammad Ameen, the former owner of House bearing C.S No. F/1048 [214-5 Sq: Yard] when dwelling status thereof converted by him from residential into commercial by making Sub Divisions from C.S No. F/1048, 1 to No. F/1048-11 for 12 Shops constructed on ground floor vide unofficial plane, provides independent access of entrance (door), towards the surface of Moti Mahal Road. Construction of halls upon the first and second floors, were also raised and carried out by Shaikh Muhammad Mubeen during his lifetime. Which were let out to WAPDA for a considerable time having outgoing and incoming access of entrance provided by stairs towards surface of Moti Mahal Road Haider Chowk, Hyderabad.”

5. Learned DPG referred to the police report (available at page-39) furnished before the Ex-Officio Justice of Peace wherein it has been reported that there is dispute over construction of road, drainage and removal of iron gate between the applicant and proposed accused which is of civil nature; however, the applicant attempted to convert such dispute into criminal. The reasoning assigned by the learned Ex-Officio Justice through impugned order dated 31.10.2025 does not require interference by this Court. Consequently, the instant Criminal Miscellaneous Application was dismissed by my short order dated 27.02.2026. These are the reasons for the same.

JUDGE