

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Crl. Misc. Application No.S-237 of 2026

[Muhammad Akram Wassan Vs. Learned A.D.J-I, Sanghar & 04 others]

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Mr. Iqrar Ali Panhwar, advocate for the applicant.

Date of hearing: 22.07.2026

Date of Order: 22.07.2026

ORDER

Khalid Hussain Shahani, J.- By means of the instant Criminal Miscellaneous Application, the applicant has assailed the legality and propriety of the Order dated 14.07.2026 rendered by the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Sanghar, whereby the applicant's application under Section 22-A Cr.P.C. was dismissed.

2. Learned counsel for the applicant contends that the learned Ex-Officio Justice of Peace fell into palpable error in failing to appreciate that the applicant had, on the face of the record, disclosed the commission of cognizable offences punishable under Sections 420, 465, 467, 468 and 471 P.P.C. It is submitted that respondent No.4 has fraudulently invoked a forged and fabricated lease agreement to lay an unlawful claim over the applicant's property, and that the Court below, in mischaracterizing the dispute as one of purely civil complexion, has abdicated its statutory obligation to set the criminal law into motion. Learned counsel accordingly prays that the impugned order be set aside and the SHO concerned be directed to proceed strictly in accordance with law.

3. I have heard learned counsel for the applicant at length and have subjected the material available on record to anxious consideration.

4. A perusal of the record reveals that the applicant lays claim to ownership of the subject agricultural land on the strength of a registered sale deed, while respondent No.4 resists such claim on the basis of a lease agreement allegedly executed in his favour. The applicant's principal grievance that the said lease agreement is a forged and

fabricated instrument, necessarily implicates disputed questions of fact touching upon title, execution, and authenticity, matters which cannot be resolved without a full-fledged trial and the recording of evidence. The Hon'ble Supreme Court, in *Younas Abbas and others v. Additional Sessions Judge, Chakwal and others* (PLD 2016 SC 581), has authoritatively delineated the scope of an Ex-Officio Justice of Peace's authority under Section 22-A(6) Cr.P.C., holding that while such functions are quasi-judicial in nature, they remain confined to complaints of non-registration of a criminal case, transfer of investigation, or neglect, failure, or excess by a police authority, and are not a substitute for the ordinary forums competent to adjudicate title, ownership, or the genuineness of documents. This position finds further reinforcement in the Full Bench judgment of the Lahore High Court in *Khizer Hayat and others v. Inspector General of Police (Punjab), Lahore and others* (PLD 2005 Lahore 470), wherein it was held that a Justice of Peace may direct the police to act in accordance with law but cannot arrogate to himself the function of adjudicating the substantive merits of a civil controversy masquerading as a criminal grievance. Applying these settled principles, it is manifest that the summary jurisdiction under Section 22-A Cr.P.C. was never intended to serve as a forum for resolving contested claims of ownership or the authenticity of instruments purporting to confer proprietary rights, such questions being the exclusive preserve of a competent civil forum equipped to receive evidence and record findings on title. The learned Ex-Officio Justice of Peace, in holding that the controversy is essentially proprietary and civil in complexion, has therefore correctly appreciated the true nature of the dispute and has exercised jurisdiction in strict consonance with the law laid down by the superior courts. This Court, sitting in its supervisory capacity, finds no illegality, irregularity, or jurisdictional infirmity in the impugned order such as would justify interference.

5. In light of the foregoing, the instant Criminal Miscellaneous Application is devoid of merit and is accordingly dismissed *in limine*, along with all pending applications connected therewith.

JUDGE