

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Appln. No.S-572 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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1. For Orders on O/objection at flag-A.
2. For hearing of M.A. No.5433/26.
3. For hearing of main case.

28.09.2026

Mr. Faheem Majeed, Advocate for Applicants.

Syed Sardar Ali Shah, Addl.P.G alongwith Inspector Munawar Ali Naich of ACE, Sukkur.

ORDER

Mr. Muhammad Uzair Shaikh has filed Vakalatnama on behalf of Private Respondent.

Learned Counsel for Applicant states that the Application was not maintainable before the Justice of Peace, because admittedly Applicant and Private Respondents are siblings and already a Suit No. 16 of 2025 is *sub judice*. Whereas, counsel for the Respondent states that since Property of the father was transferred in a fraudulent manner therefore, the complaint was filed before the Ex-Officio Justice of Peace, Sukkur who has passed the impugned Order, which is correct.

Learned Additional Prosecutor General states that the Anti-Corruption Establishment has its own statutory mandate and the impugned Order should not have been passed. He has place reliance on case of Haji Rooh-ul-Amin v. Saeed and others (2018 P.Cr.LJ 50).

Arguments heard. Record perused.

The above stated factual position is not disputed. A F.C. Suit No.25 is *sub judice* between the parties hereto, *inter alia*, distribution of inheritance and that present Respondent should transfer her proportionate share in the estate of deceased father, to the Applicants,

because the Private Respondents (Mst. Saima) has received her share; whereas the latter (Private respondent) has also preferred a Civil Suit No.16 of 2025 against the present Applicants (pleadings available in the *Lis* record).

From the impugned Order it transpired that the Respondent No.3 has preferred an Application to the Anti-Corruption Establishment, which is under consideration.

Taking into the account afore-referred facts, the Court should not have passed the impugned Order, in effect directing the Anti-Corruption Establishment, to take legal action.

Consequently, the impugned Order is passed in excess of jurisdiction and is set-aside.

J U D G E

Ihsan/PS.