

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Revision Application No. S- 36 of 2025
(Zulfiqar Ali Narejo Vs. SIP Shahid Hussain Khushk & others)

Date of hearing	Order with signature of Judge
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- 1. For orders on office objection.
- 2. For hearing of main case.

14-10-2026

Mr. Shoukat Ali Makwal, Advocate for the applicant.
Mr. Nazeer Ahmed Junejo, advocate for respondents/accused.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Suresh Kumar,J. Through instant Crl. Revision Application under section 435 & 439 Cr.P.C, the applicant has impugned the order dated 11-04-2025 passed by learned Ist Additional Sessions Judge (MCTC) Khairpur in Criminal Complaint No. 33 of 2024 Re. “Zulfiqar Ali versus Shahid Hussain Khushk and others” whereby the above referred Direct Complaint filed by the applicant was dismissed, hence the applicant preferred the instant Crl. Revision Application.

2. Succinctly, the facts of the case are that on January 27, 2024, at approximately 4:00 or 4:30 PM, the applicant, along with Muhammad Yousif, Muhammad Ali alias Moor, Qalab Ali, and Illahi Bux, were present at agricultural land when the respondents/accused, duly armed with weapons, arrived in police vehicles. They took away Muhammad Yousif Narejo and Abdul Rasheed Narejo on the pretext that they were wanted in a criminal case. Subsequently, due to non-payment of a bribe, they killed Muhammad Yousif by staging an encounter and released Abdul Rasheed.

3. I have heard learned counsel for applicant, learned counsel for respondents/accused as well as learned DPG for the State.

4. The learned counsel for the applicant has contended that the impugned order passed by the learned 1st Additional Sessions Judge, Khairpur, is neither legal nor proper in the eyes of the law. He has also contended that the learned 1st Additional Sessions Judge, Khairpur, did not apply a judicious mind while passing the impugned order; that the version of the applicant/complainant is fully supported by the PWs; therefore, a prima facie offence, as alleged in the complaint, has been made out. Hence, the instant Criminal Revision Application may be allowed, and the impugned order may be set aside, while the direct complaint filed by the applicant/complainant may be brought on record, and process may be issued against the respondents/accused.

5. The learned counsel for the respondents/accused has contended that the learned 1st Additional Sessions Judge, Khairpur, rightly dismissed the criminal complaint filed by the applicant/complainant with mala fide intention, as no such incident took place and the deceased actually died in a police encounter. It was further stated that FIR bearing Crime No. 03/2024 was registered at Police Station Mehboob Kalhoro, and a Joint Investigation Team (J.I.T.) was constituted in this regard, which found the version of the applicant/complainant to be incorrect. Lastly, he contended that the impugned order is well-reasoned; therefore, it should be maintained, and the instant criminal revision application should be dismissed.

6. The learned Deputy Prosecutor General (P.G.) for the State has supported the impugned order. He has further contended that the deceased, Muhammad Yousif, was a notorious criminal involved in 17

FIRs lodged at different police stations and that he was killed in a police encounter. Lastly, he contended that the direct complaint was filed by the applicant/complainant with mala fide intention and that the impugned order is well-reasoned; therefore, the instant revision may be dismissed.

7. Having given due consideration to the arguments advanced by counsel for the parties and having perused the impugned order, it is revealed that the applicant/complainant filed a direct complaint stating that on January 27, 2024, Muhammad Yousif and Abdul Rasheed were taken away by the respondents/accused on the pretext that they were wanted in a criminal case. Subsequently, Muhammad Yousif was killed due to non-payment of a bribe/extortion amount, while Abdul Rasheed was released. The learned 1st Additional Sessions Judge, Khairpur, dismissed the complaint under Section 203 of the Code of Criminal Procedure (Cr.P.C.) after recording preliminary evidence, with the following observations:

“4. I have heard learned counsel for the complainant and perused the record including the statements of complainant and his witnesses so also the other material available on the record. Perusal of record shows that an incident is alleged to have been taken place on 27-01-2024 at 4:00 to 4:30 pm, whereas the complainant has filed this direct complaint before the Court on 06-09-2024 with the delay of about eight months and such delay has not been properly explained by the complainant. Perusal of the statement of the complainant and witnesses, it appears that witnesses have not supported the version of complainant as regard to the number for fires shots on the body of deceased as per version of complainant in statement under section 200 Cr.P.C. Further, the complainant as well as his witnesses have not specifically mentioned date, place and time of alleged incident. Moreover, the police of PS Mehboob Kalhoro has lodged FIR bearing Crime No. 03/2024, for the offence punishable u/s 324, 353, 34 PPC, alleging therein that in the

police encounter, one dacoit Muhammad Yousif was murdered. Record further reveals that in case Crime No. 03/2024, JIT was constituted wherein JIT reached to the conclusion that a genuine encounter was happened."

8. From the perusal of the impugned order, it is evident that the learned 1st Additional Sessions Judge, Khairpur, discussed the complaint, witnesses, and the Joint Investigation Team (JIT), as well as considered FIR No. 03/2024 of Police Station Mehboob Kalhoro while passing the impugned order. The available record indicates that the applicant/complainant approached the Court approximately eight months after the alleged incident, and this delay has not been plausibly explained. In the present matter, a JIT was also constituted, which found that a genuine encounter took place in which Muhammad Yousif was killed. The version of the complainant party was not substantiated during the JIT investigation. No illegality has been pointed out by the learned counsel for the applicant/complainant in the impugned order. Moreover, the learned Deputy Prosecutor General (DPG) has produced the criminal record of Muhammad Yousif, against whom 17 FIRs at different police stations were registered. This indicates that Muhammad Yousif was involved in criminal activities and was a notorious criminal. It appears that the applicant has filed the present application with mala fide intent. The Hon'ble Supreme Court, in the case of Abdul Wahab Khan v. Nawab (2000 SCMR 1940), has held that frivolous and vexatious complaints should be dismissed at their inception if no prima facie case is made out.

9. For the reasons discussed above, I am of the considered view that the learned 1st Additional Sessions Judge, Khairpur, has rightly dismissed the direct complaint; therefore, the impugned order does not require any

interference. Consequently, the instant criminal revision application is dismissed.

J U D G E

Nasim/P.A

