

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD

Criminal Miscellaneous Application No.S-743 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on office objection.
2. For order on MA No.9245/2025.
3. For hearing of main case.
4. For order on MA No.9246/2025.

16-10-2026

Through this application under section 561-A, Cr.P.C., the applicant seeks setting aside of the order dated 27.10.2025 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, in Cr. Miscellaneous Application No.6102 of 2025.

2. The complaint before the learned Justice of Peace arose from a dispute concerning a bungalow at Plot No.B-38, Sachal Abad Housing Scheme, Phase-I, Qasimabad, Hyderabad. Respondent No.3 alleged that, during the pendency of F.C. Suit No.300 of 2021, another woman was presented before the Sub-Registrar in her place and a sale deed was procured, after which the civil suit was withdrawn. The learned Justice of Peace directed the SHO, Police Station Bhitai Nagar, to record her statement and, if it disclosed a cognizable offence, to register a case and investigate in accordance with law.

3. In the application, it is asserted that the applicant is a bona fide purchaser for value under registered Sale Deed No.2025-HYDQ-Book-1-1828 dated 11.07.2025. He disputes respondent No.3's identity and the allegations of impersonation and fraud, relies upon identity documents said to record her as Hanan Rija rather than Gul Bano, and contends that the controversy is essentially civil.

4. Despite a call, no one appears for the applicant and no intimation of absence has been received. In the interest of justice, the matter is considered on the basis of the available record. I have perused the impugned order and the material placed before this Court.

5. The jurisdiction under section 561-A, Cr.P.C. is exercised to prevent abuse of the process of the Court and to secure the ends of justice. At this stage, the Court is not to determine the parties' competing claims to title, decide the authenticity of the documents, or pronounce upon the truth of the allegations where those matters require investigation or evidence.

6. The caution that applications under sections 22-A and 22-B, Cr.P.C. must not be dealt with mechanically is well settled: *Munawar Alam Khan v. Qurban Ali Malano* (2024 SCMR 985). The record, however, does not show an unconditional direction for registration of an FIR. The learned Justice of Peace considered the background, including the civil litigation, and directed the SHO first to record respondent No.3's statement, with further action contingent upon disclosure of a cognizable offence.

7. The mere pendency of civil proceedings does not, by itself, bar criminal proceedings where the alleged facts may also disclose a cognizable offence. The Supreme Court reaffirmed that principle in *The State through Prosecutor General, Punjab v. Chaudhry Mohammad Khan and others* (PLD 2025 SC 254). Whether the complaint discloses such an offence, and whether the allegations are supported, remain matters for the police and the competent court to assess in accordance with law. The applicant's assertion of bona fide purchase and the competing documents are not determined by this order.

8. In these circumstances, no illegality, jurisdictional defect, or abuse of process warranting interference under section 561-A, Cr.P.C. is made out. Any observations in the impugned order concerning the alleged impersonation or fraud shall be treated as tentative and shall not prejudice the investigation or proceedings before the competent forum. The Criminal Miscellaneous Application is dismissed along with listed applications.

JUDGE