

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-335 of 2026

Applicant: Muhammad Ahmed Tayyab through Mr. Ahmed Ali Jarwar, Advocate.

Respondents: The State and others through Mr. Khalid Hussain Lakho, D.P.G. Sindh along with ASI Sher Muhammad PS A-Section and ASI Sarwar Ali Kalhoro, PS B-Section Nawabshah.

Proposed accused No.1 & 3to7: Nil.

Proposed accused No.2: Muhammad Azeem Mughal through Mr. Altaf Sachal Awan, Advocate, who filed Vakalatnama today, taken on record.

Date of hearing: 12.10.2026.

Date of order: 12.10.2026.

ORDER

MUHAMMAD HUMAYON KHAN, J: - Through the instant application under Section 561-A, Cr.P.C., the applicant seeks setting aside of the order dated 12.05.2026 passed by the learned 5th Additional Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad, in Criminal Miscellaneous Application No.1006 of 2026, whereby the prayer for registration of an FIR against the proposed accused was declined.

2. Brief facts are that the applicant alleges that, owing to business disputes between his father, Muhammad Tayyab, and the proposed accused, his father was taken away on 04.04.2026, subjected to coercion and handed over to the police. He claims that CCTV footage supports the alleged incident and that subsequent representations to the police authorities yielded no relief.

3. Learned counsel for the applicant contends that the impugned order is arbitrary, suffers from non-application of judicial mind and fails to appreciate the allegations and CCTV footage produced before the learned Justice of Peace. He contends that the applicant's father was unlawfully detained and pressurized to transfer property owing to the business dispute, while the police failed to take appropriate action despite written complaints. He further contends that the police report is influenced by the pending criminal proceedings against the applicant's father and that the impugned order, therefore, warrants interference by this Court.

4. Learned D.P.G., Sindh contends that the impugned order was passed after consideration of the application, the police reports and the available material. He contends that the controversy primarily emanates from disputed business transactions and that the existing criminal proceedings cannot establish the applicant's allegations against the proposed accused. He supports the impugned order and seeks dismissal of the application.

5. Learned counsel for proposed accused No.2, Muhammad Azeem Mughal, contends that the applicant has presented an exaggerated version of events to exert pressure upon the proposed accused in connection with the underlying business dispute and FIR No.77/2026 lodged by Zafar Hussain at PS B-Section Nawabshah for the offence under section 489-F PPC. He contends that no independent, reliable material establishes the alleged abduction, coercion or involvement of proposed accused No.2 in any cognizable offence. He, therefore, prays that the application may be dismissed.

6. Heard and perused the record.

7. The power under Section 561-A, Cr.P.C., is extraordinary and is to be exercised sparingly where interference is necessary to prevent abuse of the process of the Court or to secure the ends of justice. The material presently available discloses an underlying business dispute, pending civil litigation and criminal proceedings concerning an alleged outstanding liability. The applicant's allegations of abduction, coercion and unlawful detention are serious; however, on the material reproduced before this Court, the asserted CCTV footage and other circumstances do not, without further verification, conclusively establish the complicity of the proposed accused or demonstrate that the learned Justice of Peace acted perversely or illegally. The police reports, though not conclusive proof of innocence, were relevant material for consideration by the learned forum.

8. The record further reflects an existing business dispute, civil proceedings and FIR No.77/2026 under Section 489-F, P.P.C., registered against the applicant's father at the instance of Zafar Hussain. The learned Justice of Peace declined the prayer for registration of an FIR on the basis of the reports received from the police authorities, while directing the concerned SHO to provide lawful protection to the applicant and his family. No sufficient, tangible and convincing ground has been shown to justify interference with the impugned order in the exercise of

inherent jurisdiction. Consequently, the instant Criminal Miscellaneous Application is **dismissed**. The direction regarding lawful protection, already issued by the learned Justice of Peace, shall remain operative in accordance with law. Nothing observed herein shall prejudice the merits of any pending civil or criminal

JUDGE

Abdullah Channa/PS