IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Criminal Misc. Application No.S-296/2025

Applicant:	Anwar Ali s/o Abdul Razzaque Mujahid Adult, Muslim, by caste Shaikh, R/o Muhallah Mujahid street, Shahdadpur, Taluka Shahdadpur, District Sanghar. Through Syed Tarique Ahmed Shah advocate.
Respondents:	1. Nadeem s/o Uris Nonari, 2. Naved s/o Uris Nonari, 3. Waheed s/o Uris Nonari, 4. Mst. Fatima w/o Uris Nonari, 5. Mst. Arfa w/o Nadeem Nonari, 6. Mst. Aqeela w/o Nadeem Nonari 7. Mst. Shazia w/o Akhter Nonari, 8. Mst. Shahida W/o Waheed Nonari, 9. Mst. Fozia w/o Naveed Nonari, 10.Mst. Najma w/o Waheed Molano, All adult, Muslim, by caste Nonari, R/o village Jalal Nonari, Shahdadpur, District Snaghar. Respondent No.4 through Mr. Farhan Ahmed Bozdar, whereas, none present for rest respondents. 11. Station House Officer, P.S, Shahdadpur.
Respondent	The state through Mr. Ghulam Abbas Dalwani D.P.G.
Date of Hearing:	26.10.2026
Date of Order:	26.10.2026

O R D E R

Nisar Ahmed Bhanbhro, J: This Criminal Miscellaneous Application under Section 561-A Cr.P.C is directed against the order dated 12.01.2023 passed by the learned Additional Sessions Judge Shahdadpur whereby Complaint No.35 of 2022 filed by the applicant was dismissed.

2. The grievance of the applicant is that he is the owner of the land bearing survey No.786/1, 2 and 785/2 but the respondents have illegally occupied an area of 01-05 acres from the said survey numbers by dispossessing the complainant again and have started construction thereon and on resistance the respondents issued threats of murder to the applicant, therefore, applicant lodged FIR No.240/2022 on 12.11.2022 at 1400 hours at P.S, Shahdadpur but no result was made out.

3. Learned counsel for the applicant submits that the impugned order on the face of it appears to be opposed to law, facts and equity. He contended that learned trial Judge, while passing the order, ignored the material available on record. He contended that the learned trial Judge despite calling the reports repeatedly from the Mukhtiarkar and the SHO concerned in respect of confirming the title and possession over the land at the relevant time and at present, miserably failed to appreciate that the reports are in favour of the applicant, but the same have been brushed aside by the learned trial Judge without reasons. He contended that the learned trial Judge failed to understand that the case of the applicant incorporated in FIR No.240/2022 pertains to a different incident of 04.11.2022 at 1700 hours, wherein the principal accused namely Uris was arrested and the rest of the accused approached the Court of law for seeking bail. The challan has also been submitted before the competent Court of law and the same was accepted. He prayed for allowing the instant application.

4. Learned counsel for respondent No.4 and learned D.P.G for the State supported the impugned order and prayed for dismissal of the application.

5. I have heard learned counsel for the applicants, learned counsel for respondent No. 4 as well as learned D.P.G for the State and have perused the record. As per the contention of learned counsel for the applicant, the incidents of illegal dispossession had happened on 04.11.2022 and 12.11.2022; therefore, the FIR for the first incident was recorded and complaint regarding the second incident under Illegal Dispossession Act was instituted. It transpires from the record that in the FIR Uris was nominated as an accused for dispossessing, whereas, in the ID complaint, his sons and womenfolk were implicated accused, which transpires that the version in the complaint was later developed to involve the entire family. Since FIR No. 240/2022, registered at Police Station Shahdadpur is pending adjudication regarding illegal occupation and no exception can be taken to the findings of Trial Court for dismissal of complaint.

5. For the foregoing reasons, this Criminal Miscellaneous Application fails and is dismissed.

JUDGE

"Chander Kumar"