

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Crl. Misc. Application No.S-256 of 2025

[Altaf Hussain Vs. S.S.P Mirpurkhas & others]

<><><>

Mr. Muhammad Asif Zai, advocate for the applicant.

Mr. Ghulam Zaheer Arain, advocate for the respondent No.3.

Mr. Neel Parkash, Deputy Prosecutor General Sindh.

Date of hearing: 31.08.2026

Date of Order: 31.08.2026

**ORDER**

**Muhammad Humayon Khan, J.-** By means of the instant Criminal Miscellaneous Application, the applicant has assailed the legality and propriety of the Order dated 19.11.2025 rendered by the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Mirpurkhas, whereby the applicant's application under Section 22-A & B Cr.P.C was dismissed.

2. Learned counsel for the applicant contends that the proposed accused encroached upon Government land and after the applicant approached the authorities, they allegedly maltreated him fired upon him with intent to kill, snatched Rs.154,000/- and extended threats. He submits that the allegations disclose cognizable offences and prayed that the impugned order be set-aside and the SHO concerned be directed to proceed strictly in accordance with law.

3. Learned counsel for the private respondent and learned D.P.G supported the impugned order and submitted that the matter arises from a pre-existing dispute over Government land and that the police inquiry found neither party in exclusive possession nor any encroachment. They contend that no illegality or irregularity is shown to warrant interference by this Court.

4. I have heard learned counsel for the applicant, counsel for the respondent No.3 as well as learned D.P.G for the State and perused the record.

5. The record reflects that the subject property is admittedly Government land and that the dispute between the parties relates to its possession and alleged

encroachment. The police report obtained by the learned Ex-Officio Justice of Peace shows that neither party was found in exclusive possession of the land and no encroachment by either side was established during inquiry. The controversy, therefore, involves questions relating to possession, boundaries and alleged encroachment over Government land which require determination and demarcation by the competent Revenue Authorities. It also appears that the parties are already involved in a dispute over the said land and that the allegations forming the basis of the request for registration of F.I.R have arisen in the backdrop of that dispute. Proceedings under Sections 22-A & 22-B Cr.P.C cannot be used for determination of disputed questions relating to possession, boundaries or encroachment nor can the criminal process be invoked as a substitute for proceedings before the competent civil or revenue forum.

6. As regards the allegations of maltreatment, firing, snatching of cash and threats, the same are disputed by the other side and have been levelled in the backdrop of the aforesaid dispute. The learned Ex-Officio Justice of Peace, after considering the police report and the material available on record, declined to issue the direction sought by the applicant and observed that the question of alleged encroachment over Government land required proper demarcation and action by the competent Revenue Authorities. The applicant has not been able to point out any illegality or material irregularity in the impugned order which may justify interference by this Court.

7. In view of the above, I find no ground to interfere with the impugned Order dated 19.11.2025 passed by the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Mirpurkhas. Consequently, the instant Criminal Miscellaneous Application, being devoid of merit, is **dismissed** alongwith pending application.

**JUDGE**

*\*Faisal\**