

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Miscellaneous Application No.D-27 of 2025

Present:

Justice Muhammad Faisal Kamal Alam
Justice Tasneem Sultana

Applicant : Mst. Narjis Khatoon through Mr. Hamayoon alias Soorat Ali Khan, Associate of Mr. Ali Ahmed Khan, Advocate

Respondents No.1 to 7 : Muhammad Yousif & others through Mr. Muhammad Rehan Khan Durrani, Advocate.

The State : Through Mr. Shafi Muhammad Mahar, Additional P.G for the State.

Date of Hearing : **20-08-2026**
Date of Order : **03-09-2026**

ORDER

TASNEEM SULTANA, J.- Through this Criminal Miscellaneous Application under Section 561-A, Cr.P.C., the applicant/complainant has called in question the order dated 06.10.2025 passed by the learned Judge, Special Court Anti-Rape (Designated)/GBV, Sukkur, whereby the final report submitted under Section 173, Cr.P.C. in Crime No.249 of 2025, registered at Police Station “A” Section Sukkur under Sections 365-B, 511, 506(2), 504, 114, 149 and 354, P.P.C., was accepted and the case was disposed of under “C” Class.

2. Briefly stated, the applicant alleged that she had earlier lodged FIR No.62 of 2025 at Police Station Salehpat against Sajjad Ali and others. According to her, Sajjad Ali used to ask her to develop friendship with Samo Khan Bhanbhro and, upon her refusal, subjected her to harassment. She further alleged that Samo Khan thereafter pressurized her and her brothers to withdraw the said case. On 07.08.2025, at about 0900 hours, while the applicant along with her brothers Ghulam Ali and Abbas Ali was proceeding on a motorcycle towards Begum Nusrat Bhutto Women University, Aror, for obtaining educational documents, a white Vigo

bearing registration No.KY-0758 allegedly intercepted them near Lab-e-Mehran Main Gate, Bunder Road, Sukkur. The nominated accused, along with two unidentified persons, were allegedly armed. Muhammad Yousif and Nazo allegedly pointed their weapons towards the brothers of the applicant, whereas Ashraf Ali, on the instigation of Samo Khan, allegedly attempted to drag the applicant away with the intention of abducting her and committing zina. On her raising cries, the accused allegedly left the place after extending threats. The FIR was lodged on the same day at about 2000 hours.

3. During investigation, SIP Zeenat Gujjar inspected the place of occurrence and recorded statements of the witnesses under Section 161, Cr.P.C. The Investigating Officer also collected other material and, on completion of investigation, recommended disposal of the case under “C” Class. The learned Special Court, after hearing the parties and going through the record, accepted the final report through the impugned order.

4. Learned counsel for the applicant contends that the FIR was lodged on the same day and her version was supported by her brothers in their statements recorded under Section 161, Cr.P.C.; that their relationship with the applicant was no ground to discard their account; that undue weight was given to the material collected in favour of the private respondents; and that sufficient material was available for taking cognizance against them.

5. Learned Deputy Prosecutor General supports the submissions made on behalf of the applicant and submits that the material available on record was sufficient to proceed against the private respondents.

6. Learned counsel for the private respondents, on the other hand, supports the impugned order.

7. We have heard learned counsel for the parties and gone through the material available on record. In the present FIR, the applicant alleged that Sajjad Ali used to ask her to develop friendship with Samo Khan Bhanbhro and that, after registration of FIR No.62 of 2025, Samo Khan started pressurizing her and her brothers to withdraw that case. She further alleged that on 07.08.2025, while she was travelling with her brothers Ghulam Ali and Abbas Ali, the private respondents, along with two unidentified

persons, intercepted them near Lab-e-Mehran Main Gate, Bunder Road, Sukkur. According to her, Muhammad Yousif and Nazo pointed their weapons towards her brothers, while Samo Khan referred to the earlier case and, on his instigation, Ashraf Ali attempted to drag her away. Her brothers supported the occurrence in their statements recorded under Section 161, Cr.P.C.

8. The applicant has herself linked the present occurrence with FIR No.62 of 2025. That FIR was lodged by her at Police Station Salehpat on 21.05.2025 against Sajjad Ali and others. Samo Khan Bhanbhro was neither nominated therein nor assigned any role. It also contains no allegation that Sajjad Ali had been asking the applicant to develop friendship with Samo Khan.

9. The applicant's earlier complaints also do not support this allegation. In the complaint relating to the incident dated 30.05.2025, the applicant attributed the alleged proposal and harassment to Sajjad Ali himself. Likewise, in her application dated 28.07.2025 addressed to the police authorities, she again alleged that Sajjad Ali had asked her to maintain a relationship with him. Samo Khan was not connected with the alleged proposal in either of these versions. Thus, the allegation made in the present FIR that Sajjad Ali was asking her to develop friendship with Samo Khan does not find support from her earlier versions.

10. The record further shows that, before the occurrence dated 07.08.2025, there was already a dispute between the applicant's family and Samo Khan and Ashraf regarding a shop/property. The applicant's brother had moved an application in that regard on 01.08.2025 and the matter was before the concerned authorities. The said dispute, however, was not mentioned in the present FIR.

11. During investigation, material was also collected regarding Vigo No.KY-0758, which according to the applicant had been used in the occurrence. The person examined during investigation stated that the vehicle remained at his workshop from 04.08.2025 to 08.08.2025 for repair. CDRs of some of the nominated accused were also obtained regarding their whereabouts at the relevant time. Although the FIR states that people were

attracted by the cries of the applicant, no independent witness from the place of occurrence supported the incident, nor was any CCTV footage brought on record. The statements of the applicant's brothers supporting the occurrence were, however, also part of the record and could not be discarded merely because of their relationship with her.

12. The impugned order shows that the learned Special Court considered the statements of the applicant's brothers, her earlier versions, the dispute between the parties, the material relating to Vigo No.KY-0758 and the CDRs collected during investigation before accepting the recommendation of the Investigating Officer for disposal of the case under "C" Class. In Kirshan Kumar v. The State and 8 others (2015 YLR 2196), this Court observed that although an order of cancellation is administrative in nature, the Magistrate is nevertheless required "to act fairly, justly and honestly to meet the ends of justice" and to pass a comprehensive order after considering all aspects of the case.

13. In view of the above facts and circumstances, we do not find any material illegality or infirmity in the impugned order calling for interference under Section 561-A, Cr.P.C. Consequently, this Criminal Miscellaneous Application is **dismissed** and the impugned order dated 06.10.2025 passed by the learned Judge, Special Court Anti-Rape (Designated)/GBV, Sukkur, is **maintained**. The applicant shall, however, be at liberty to avail such remedy as may be available to her under the law.

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