

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Cr. Miscellaneous Application No. S- 92 of 2025
(Ali Bux Bughio and others vs Abdul Ghani Dahar and others)

<i>Date</i>	<i>Order with signature of Judge</i>
	1. For orders on office objection-A. 2. For hearing of main case.

18.09.2026.

Mr. Waqar Ahmed Chandio, Advocate for the Applicants.
Mr. Nazeer Ahmed Bangwar, Deputy Prosecutor General.
Mr. Mohsin Ali, Advocate holding brief for Mr. Zeb Hussain Pathan, Advocate for the Respondent No.1.

Ali Haider 'Ada' J:- Through this Criminal Miscellaneous Application, the applicants have assailed the order dated 06.12.2024, passed by the learned Special Judge, Anti-Corruption, Larkana, (trial Court) in Direct Complaint No.22 of 2024, whereby the learned trial Court took cognizance of the complaint filed by respondent No.1 under Section 200 Cr.P.C. Feeling aggrieved by the said order, the applicants/accused have preferred the instant application.

2. The crux of the prosecution case is that respondent No.1 filed a direct complaint alleging commission of offences punishable under Sections 463 and other allied provisions of the P.P.C., on the premise that certain officials had allegedly committed forgery with a view to extending benefit to some other persons. Upon presentation of the direct complaint, the learned trial Court examined the complainant and his witnesses under Sections 200 and 202 Cr.P.C. and, in the course of such proceedings, also referred the matter to the concerned Circle Officer for conducting an inquiry. Upon receipt of the inquiry report and after considering the material available on record, the learned trial Court passed the impugned order, whereby cognizance

was taken, which order has been called in question before this Court.

3. Learned counsel for the applicants submitted that, prior to institution of the direct complaint, civil suits concerning the same subject matter were already pending before the competent civil Courts. It was contended that respondent No.1 had remained unsuccessful in the successive rounds of civil litigation; however, the matter is pending before this Court in the form of a civil revision. Learned counsel further submitted that, despite the pendency of the civil proceedings, the learned trial Court proceeded with the direct complaint and passed the impugned order, which, according to him, is not sustainable in law. Learned counsel finally placed reliance upon 2004 SCMR 364, 2020 MLD 1616, 2017 PCr.LJ 155, 2017 MLD 1143 and 2005 PCr.LJ 1410 and prayed for setting aside the impugned order.

4. On the other hand, Mr. Mohsin Ali, Advocate, holding brief for Mr. Zeb Hussain Pathan, Advocate for respondent No.1. Learned Deputy Prosecutor General, Sindh, also supported the impugned order by relying upon the inquiry conducted by the Circle Officer, wherein it was opined that an offence of forgery had been committed.

5. Heard and perused.

6. The scope of Section 200 Cr.P.C. is to be considered in conjunction with Section 190 Cr.P.C., whereby a person aggrieved by an act may file a complaint before the court having jurisdiction, which may entertain such complaint and proceed in accordance with law. The statements of the complainant and witnesses may thereafter be recorded, and the matter may be referred for inquiry in terms of Section 202 Cr.P.C. or, where warranted, under Section 156(3) Cr.P.C. In the present case, the matter was referred for preliminary inquiry to the Circle Officer, who, upon conducting the

inquiry, endorsed the allegations contained in the complaint. Thus, prima facie, the material collected during the inquiry disclosed commission of the alleged offence. The learned trial Court, after considering and appraising the material brought on record, proceeded to pass the impugned order. Such exercise falls within the jurisdiction and lawful domain of the learned trial Court at the stage of taking cognizance.

7. It is well-settled that the mere pendency of civil proceedings does not constitute a bar to the initiation or continuation of criminal proceedings arising from the same transaction. Both proceedings may ordinarily proceed simultaneously, as they serve distinct purposes: civil proceedings determine civil rights and obligations, whereas criminal proceedings concern the commission of an offence and the resultant penal liability. The Honourable Supreme Court has reiterated this principle in **Dr. Sikandar Ali Mohi-ud-Din v. Station House Officer and others (2021 SCMR 1486)**, **Seema Fareed and others v. The State and another (2008 SCMR 839)**, and **Haji Sardar Khalid Saleem v. Muhammad Ashraf and others (2006 SCMR 1192)**, **Salman Ashraf v. Additional District Judge, Lahore and others (2023 SCMR 1292)**.

8. In the present case, the applicants have relied principally upon the pendency of the civil litigation; however, such pendency, by itself, does not furnish a lawful ground to invalidate the criminal proceedings or the impugned order. The objection, therefore, is without substance.

9. Keeping in view the foregoing facts and circumstances, no case for interference with the impugned order is made out. Accordingly, the instant application is dismissed, and the impugned order passed by the learned trial Court is maintained.

J U D G E