

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT HYDERABAD**

C.P No. D- 564 of 2020

***Present:-***

***Mr. Justice Abdul Maalik Gaddi***

***Mr. Justice Adnan-ul-Karim Memon***

Petitioners. : Through Mrs. Razia Ali Zaman Patoli,  
Advocate.

Respondents. : Through Mr. Allah Bachayo Soomro, Addl.  
Advocate General, Sindh a/w Ali Raza  
Leghari SDPO Tando Bago Badin, and SIP  
Bashir Ahmed SHO PS Dehi.

Date of hearing. : 02.09.2020  
& decision.

**ORDER**

**ABDUL MAALIK GADDI, J:-** Through this constitutional petition, petitioners are seeking following relief:

1. *That this Honourable Court may be pleased to issue strict directions to police officials i.e. respondent No.5 to 11 , not to interfere and try to dispossess snatch the peaceful possession of Suit Land and not to make any change in suit land disclosed in Para No.2 of petition till pendency and decision of Civil Revision No.131 of 1986 by misusing their power and position and act in accordance with law.*
2. *That this Honourable Court may be pleased to issue direction to respondent No.3 & 4 i.e. DIG Hyderabad Division and Senior Superintendent of Police Badin to conduct fair inquiry in the F.I.Rs arising out of Crime No.41 of 2020 u/s 506(2), 447, 436, 337-H(ii), 504, 114, 147, 148, 149, PPC and Crime No.50 of 2020 u/s 324, 506(2), 337-H(ii), 504, 114, 147, 148, 149 PPC at Police Station Dehi lodged by the respondent No.12 namely Ali Nawaz agent of Major General Aamir Majeed and submitted report before this Honourable Court may be pleased to pass any appropriate order in light of said report.*
3. *Any other relief may be granted if any.*

**2.** Learned counsel for the petitioners contends that petitioners are the lawful owner of the subject land and private respondents with the help of official respondents on the basis of false and manipulated documents illegally tried to snatch the subject land from the possession of petitioners; that petitioners have filed Suit for Declaration and Mandatory Injunction whereby challenged the false claim of private respondents; that private respondents have lodged false F.I.R bearing Crime Nos. 41 of 2020 u/s 506(2), 447, 436, 337-H(ii), 504, 114, 147, 148, 149, PPC and Crime No.50 of 2020 u/s 324, 506(2), 337-H(ii), 504, 114, 147, 148, 149 PPC at Police Station Dehi against the petitioners just

to pressurize them to withdraw the civil proceedings. She lastly prayed for conducting fresh enquiry in the above said F.I.Rs.

**3.** Learned A.A.G files comments of respondents No.4 & 11, which are taken on record and copy whereof supplied to learned counsel for the petitioners.

**4.** During the course of arguments, learned A.A.G has submitted that the cases under the aforementioned crimes have already been challaned and pending before the Court of law having jurisdiction. Under these circumstances, we have specifically asked the question from learned counsel for the petitioners that when the aforesaid crimes have already been challaned and the trial Court has taken cognizance in the matters, how this petition is maintainable; she has no satisfactory answer with her.

**5.** Since the subject crimes have been challaned and the trial Court has already taken cognizance in the matter, which is now pending before the trial Court, therefore, the appropriate remedy available to the petitioners is to knock the door of the trial Court for redressal of their grievance in accordance with law. In this context we are fortified by the case law reported as ***Director-General, Anti-Corruption v. Muhammad Akram Khan*** (PLD 2013 Supreme Court 401), wherein it was held that after taking cognizance by the trial Court, the factual controversy could not be taken into consideration in constitutional petition and the remedy available to the aggrieved person/accused is to knock the door of the trial Court by making a proceeding for redressal of his grievance.

**6.** In view of above, this petition stands ***dismissed*** alongwith pending application(s). However, petitioners would be at liberty to approach the trial Court by filing a proper application for redressal of their grievances, if they so desired, and on filing such proceeding, the trial Court shall pass an appropriate order and decide the same in accordance with law. Office is directed to immediately send a copy of this order to the trial Court for information.

**JUDGE**

**JUDGE**