## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI Crl. Misc. No. 82 of 2018.

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Date

Order with signature of Judge

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- 1. For orders on M.A. No. 3279 of 2018 (U/A).
- 2. For orders on office objection & reply of adv at flag A.
- 3. For orders on M.A. No. 3280/2018 (Ex.A.).
- 4. For hearing of main case.

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## 23.04.2018

Mr. Nayyar Ziauddin, Advocate for Applicant.

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At the outset, it would be conducive to reproduce second portion of impugned order, whereby application under Section 22-A Cr.P.C. was declined.

"I have carefully gone through the record, it appears applicant and proposed accused person Muhammad Shehzad Fahad are co-owner and cosharer of subject property. Record further reveals that applicant also filed suit for administration against respondents including proposed accused person. So, far the contention of applicant is concerned that proposed accused/defendant No.8 filed statement through his counsel before learned trial Court in Suit No.04/2014 and stated that "the defendant No.8 has never let out the suit property to Muhammad Asghar S/o Muhammad Akram". Admittedly the said civil suit is still pending and there is a dispute between parties which is of civil nature. Civil litigation is being converted into criminal case which cannot be allowed in the present circumstances of the case. It has been held in 2011 PLD Islamabad 71 "Justice of Peace refusing to give direction to register of FIR, courts could refuse to give directions for registration of FIR. In special circumstances i.e. the matter was of civil nature, the complainant was trying to convert the civil dispute into criminal one, Such be the circumstances I find no merits in the instant petition, the same is accordingly, dismissed."

Learned counsel for the applicant has emphasized over a statement alongwith copy of tenancy agreement filed in Civil Court and contends that accused, who was defendant No.8, filed a false statement, hence, he is liable to be prosecuted under Section 182

Cr.P.C. Perusal of impugned order reveals that co-accused is coowner of the property which is under litigation and if any fake document is produced before the trial Court, applicant would be at liberty to approach the trial Court for taking action in accordance with law.

In view above, instant Misc. Application is not maintainable, hence, dismissed.

JUDGE

SAJID