

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Misc. Application No. 256 of 2022

Date	Order with Signature(s) of Judge(s)
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Fresh Case

1. For order on Misc. Application No. 5649/2022 (Urgency Application).
2. For order on office objection and reply of advocate at flag "A".
3. For order on Misc. Application No. 5650/2022 (Exemption Application).
4. For hearing of main case.

09.05.2022

Mr. Hyder Farooq Jatoi, advocate for applicant.

1. Urgency application is granted.

2-4. The applicant herein filed Cr. Misc. Application No. 1259/2022, under section 22-A & B, Cr.P.C. (*Re: Muhammad Rehan Khan vs. S.S.P. Complaint Cell, West Zone, Karachi & another*) before the learned Sessions Judge/Ex-Officio Justice of Peace, Karachi-West seeking direction to respondent No. 2 (*S.H.O. P.S. Surjani Town*) to take appropriate legal action as per his recorded statement and to lodge the F.I.R. against the respondents/proposed accused persons, namely, Khurram, Kazim and 5/7 others including ladies and to provide him protection from proposed accused persons, who on 08.04.2022 allegedly came at his house i.e. L-5, ST-12, situated in Surjani Town, Karachi and restrained him from raising construction of upper storey over it and demanded extortion money (bhatta) and extended threats of stopping the construction work in case bhatta was not paid. It was case of the applicant that the respondent No.2 refused to lodge the F.I.R. The said Cr. Misc. Application was heard and dismissed by the learned Additional Sessions Judge-VIII, Karachi-West vide order, dated 18.04.2022 with the observation that there is a civil dispute between both the parties over plot and the applicant wanted to convert civil dispute into a criminal case. It is against said order, the instant Cr. Misc. Application has been preferred by the applicant, under section 561-A, Cr. P.C.

Learned counsel for the applicant contends that the impugned order is not sustainable in law; that the criminal offence of demanding *bhatta*, criminal assault and extending life threats to the applicant was made out by him in his said Cr. Misc. Application but the learned Justice of Peace has erred while passing the impugned order as the same was passed without proper verification of facts and applying his judicious mind; therefore, the same is liable to be set aside.

It appears that the applicant claims to have purchased the aforesaid premises whereupon he is raising construction of upper storey; however, neither any title documents of the said premises nor any approved building plan for raising construction over it have been annexed with the memo of Cr. Misc. Application. Even it is not suggested that the proposed accused belong to any *bhatta* mafia. Hence, there appears no illegality or irregularity in the impugned order requiring any interference of this Court under its inherent powers under Section 561-A, Cr.P.C. Accordingly, this Crl. Misc. Application is dismissed in limine, along with listed application.

JUDGE

Athar Zai