

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Criminal Appeal No.595 of 2023  
(Muhammad Adeel v. Station House Officer and others)

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Date	Order with signature of Judge
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1. For order on M.A. No.14102/2023
2. For hearing of main case

**23.05.2024**

Mr. Afaq Ahmed, Advocate for the appellant

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1. Granted subject to all just exceptions.
2. The facts in brief necessary for the disposal of the instant appeal are that the appellant filed a complaint for prosecution of the private respondents for allegedly committing an offence punishable under Section 3/4 of the Illegal Dispossession Act, 2005; it was dismissed by learned IIIrd-Additional Sessions Judge, Karachi Central vide order dated 22.09.2023, which is impugned by the appellant before this Court by preferring the instant appeal.

It is contended by learned counsel for the appellant that the case for cognizance was made out, yet the learned trial Court has dismissed the complaint of the appellant without lawful justification by way of the impugned order, therefore, it is to be examined by this Court.

Heard arguments and perused the record.

The learned trial Court while dismissing the complaint of the applicant has validly observed that:

*“it transpires that the both parties are close relatives of each other being nephew and uncles. The parties are disputing ownership of the property in question. Accordingly a civil suit has been filed by the complainant bearing No.1976/2020 which is pending before the Honourable High Court of Sindh Karachi. The memo of plaint of suit No.1976/2020 filed by the complainant copy whereof has been placed before this court reveals that the proposed accused have remained in possession of the said house viz. property in question since last several year of its constructions in the year 1984. The*

*investigation report submitted by the SHO is not supported to the version of the complainant. In such circumstances I am of the view that the complainant has failed to establish his case against the proposed accused regarding alleged illegal dispossession. Besides, the complainant has also failed to establish that the proposed accused were property grabbers as given in the preamble of the Illegal Dispossession Act 2005."*

No illegality is noticed in the impugned order which may justify this court to interfere with the same by way of instant CrI. Appeal; it is dismissed in *limine*.

**JUDGE**

Nadir\*