

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
***Criminal Misc. Application No.S-328of 2024***

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Date	Order with Signature(s) of Judge(s)
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1. For order on Misc. Application No. 5214/2024(*Urgency Application*)
2. For order on office objection
3. For hearing of main case

**07.06.2024**

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 Mr. Ahsan Ali Bhurgari, advocate for applicant.  
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1. Urgency application is granted.

2-3. The applicant herein filed Cr. Misc. Application No. 573 of 2023(**"Application"**), under section 22-A& B, Cr.P.C. (*Re: Zaheer Ahmed vs.S.H.O., P.S. Badin*) before the Sessions Judge/Ex-Officio Justice of Peace Badin, seeking direction to respondent to record his statement against the proposed accused and to take action against them according to law, who allegedly, on 3/4.05.2024 in night hours, forcibly occupied his Quarter by breaking the locks; abused, beat and threatened him for dire consequences; kept his children in fear and shifted his household articles. It was case of the applicant that the respondent refused to lodge his F.I.R. The Application was heard and dismissed by the Additional Sessions Judge-I/ Ex-Officio Justice of Peace, Badin vide order, dated 16.05.2024 with the observation that the Quarter No. D-70, situated in Agrovil Colony, Badin was allotted to the applicant; subsequently, he with his own wish gave an Affidavit bearing No. 234, dated 12.12.2023, along with an application to DC, Badin for cancellation of allotment and to give the possession to one Zulfiqar Ali but the competent authority allotted the Quarter to Badaruddin (*Proposed Accused No.1*) under *amashirnama* prepared in presence of mashirs, which shows that except four mound wood, no other article was lying in the Quarter. As per report of Incharge Complaint Cell, SSP Office, Badin no cognizable offence was made out and the matter was purely of civil nature. It is against said order, that 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 unsustainable in law; that the criminal offence of committing trespass, criminal assault, criminal intimidation and theft of household articles weremade out by the applicant in his Application but the 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 the set aside.

It appears that the applicantclaims to have in possession of alleged Quarter on the alleged day of incident; however, he has failed to annex any documentary evidence in support of his suchclaim. On the other hand, it has come on record vide report of police official concerned that the possession of the Quarter was already handed over to proposed accused No.1 under a mashirnama. 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, thisCrl. Misc. Application is dismissed in *limine*.

JUDGE