

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Cr. Misc. Application No.955 of 2023**  
**[Peer Hussain Shah v. Learned Sessions Judge and others]**

---

Date	Order With Signature Of Judge
------	-------------------------------

---

1.For orders as to maintainability of instant Cr. Misc. Appln  
As well as MA 14596/24 & 14594/24

06.11.2024.

Mr. Ahmed Pirzada, advocate for applicant.

Mr. Muhammad Altaf, advocate for respondents No. 4 to 6.

Ms. Amna Ansari, Addl. Prosecutor General, Sindh.

-----

**MUHAMMAD IQBAL KALHORO, J:-** Applicant filed an application under section 22-A(6)(i) Cr. P.C. for registration of FIR against respondents alleging that he is owner of a plot bearing City Survey No.2863, situated at Dars Karkhana, Thatta, upon which, on 17.11.2023 at about 01:00 a.m., the proposed accused tried to trespass duly armed with hammer and iron chisel with which they made a hole in the wall. When applicant challenged them, they threatened him with a pistol and confined him in the car porch of the house for some time. This application was dismissed vide impugned order dated 27.11.2023. Hence, this application.

2. Learned counsel for the applicant has contended that the order passed by the learned Justice of Peace is not sustainable in law and the alleged offence is cognizable in nature; hence FIR may be ordered to be registered. His arguments have been rebutted by learned counsel for respondents. Learned APG has supported the impugned order stating that the property is actually government property upon which both the parties are already in civil as well as criminal litigations.

3. After hearing the parties, I am of the view that no case for registration of FIR is made out. The allegation of only attempting to trespass on the subject plot has been made by the applicant which in view of age-old litigation and dispute between the parties over the same plot cannot be give much credence or currency, that an order for

registration of FIR against the respondents may be made, not the least when applicant has an adequate remedy under section 200 Cr.P.C. to avail. In the circumstances, I find no merits in this application and dismiss it accordingly.

The application is disposed of accordingly.

JUDGE

HANIF



