

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.436 of 2020.

Date: Order with signature(s) of the Judge(s)

1. For Orders on Office Objection at 'A'
2. For Hearing of Main Case.

18th June, 2021.

Applicant present in person.
Syed Amir Shah advocate for respondent No.1.
Mr. Talib Ali Memon, Assistant P.G. Sindh a/w SI-Asghar Cheema of
PS Gulistan-e-Jauhar.

Heard and perused the record. It would be conducive to refer relevant para of impugned order, which reads as under:

"From its perusal it appears that the applicant in his petition has claimed to be owner of disputed property through power of attorney and has leveled allegations against the proposed accused regarding illegal encroachment upon the disputed property in the year 2015. It is also an admitted position that applicant had already filed a complaint under Illegal Dispossession Act being Cr. Complaint No.28/2015 on the alleged point of dispossession, which was dismissed by learned V-Additional Sessions Judge Karachi East vide order dated 02.06.2017 and against said order the applicant has preferred revision application No.111/2017 before the Hon'ble High Court of Sindh, which is pending adjudication. The application addressed to concerned SHO shows that there is dispute between the parties over a property which is appearing to be a civil nature dispute, therefore, the applicant has filed this application with malafide intention just to convert civil dispute in criminal dispute. It has been held in 2011 PLD Islamabad 71 that "Justice of Peace refusing to give direction to register of FIR, grounds, courts could refused 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, the complaint was based on malafides and ulterior motives and that an alternate remedy in the shape of private complaint was also available. Complaint was dismissed".

In contra, learned counsel for respondent No.1 contends that applicant preferred Direct Complaint with regard to illegal Dispossession

Act that was dismissed, however, revision is subjudiced before this court. Accordingly, further I examined memo of 22-A & B Application which is not reflecting that any cognizable offence was made out, hence, instant Cr. Misc. Application is dismissed.

M.Zeeshan

JUDGE