

IN THE HIGH COURT OF SINDH, KARACHI

CrI.Misc.Appln.No. 174 of 2025

Date	Order with signature of the Judge
------	-----------------------------------

Fresh Case

1. For orders on M.A No. 2679 of 2025 (U/A)
2. For orders on M.A No. 2680 of 2025 (Ex/App)
3. For hearing of main case.

24.02.2025

Mr. Bashir Ahmed advocate for the applicant

ALI HAIDER ADA---J., Through this criminal miscellaneous application, the applicant has impugned the order dated 31.01.2025 passed by the VI-Additional Session Judge/Ex-Officio Justice of Peace Karachi [South] in which the applicant has prayed for registration of FIR which is available at Page 23 till Page 29 respectively. The incident is that, the proposed accused interfered with the Court order and even recorded the videos and used threats of dire consequence and such incident is also witnessed by bailiff of the Court.

2. Learned counsel for the applicant contends that the learned Justice of Peace observed that no documentary evidence is available while he has documentary evidence and even the bailiff report is there, further submits that the preliminarily inquiry is not permissible under the law but such exercise was completed by the learned Justice of Peace the evidence was recorded in USB and same can be provided at the time of investigation, if his FIR is to be registered, further submits that the incident was supported by the witnesses and his witness specifically Fazal is under threat while the matter pertains to the Guardian and Ward Court and issue of the custody is there and before the Family Court meeting were held.

3. Heard learned counsel for the applicant and perused the material available on record.

4. Record reflects that it is a practice to take civil litigation into criminal motion and even the matrimonial disputes are also converted into criminal litigation as such exercise is discarded. In the case of Mir MUZZAFAR AZAM versus STATION HOUSE OFFICER PS "A" SECTION SUKKUR and another reported in 2017 PCr.L.J Note 179 , it has been observed that the Justice of Peace must apply his prudent mind and exercise examine entire facts and circumstances of the case while delaing with the application for registration of FIR and the order of Justice of Peace did not require any interference. From bare reading of material available on record it transpires that it is a family issue between the applicant as well as the respondent No.3 while the allegation which formulated does not constitutes an offence which is to be seen in the applications. Simultaneously report of bailiff so far is concerned, if bailiff is aggrieved, he being Court employee it is duty of such bailiff to report any type of incident which has taken place and then the Court will/may take action in view of report of the bailiff while report of the bailiff which also did not support the contents of an application under Section 22-A & B Cr.PC.

5. Accordingly, the instant criminal miscellaneous application is therefore dismissed.

J U D G E

brohips