

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Criminal Revision Application No. S-02 of 2025
(Asif Saleem vs. The State and others)

DATE

ORDER WITH SIGNATURE OF JUDGES

1. For order on office objection at A
2. For hearing of case

09.12.2025

Mr. Muhammad Hanif Samma, Advocate for the applicant.

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Ali Haider 'Ada', J:- Through this Criminal Revision Application, the applicant has assailed the order dated 02.12.2024 passed by the learned Special Judge Anti-Corruption (Provincial), Karachi, whereby Complaint No.57 of 2024, filed by the present applicant, was dismissed at the threshold. The said finding has been called in question before this Court.

2. Briefly stated, the applicant, being the complainant, averred in his complaint that he is a tenant of the property in question. Owing to certain disputes with the owner, the applicant tendered rent to the landlord, which was refused. Consequently, the applicant deposited the rent through M.R.C. before the learned Rent Controller. It was further asserted that the applicant subsequently came to know that the property in which he holds tenancy rights was embroiled in ownership disputes, and that several civil suits were pending between the contesting parties for the determination of title. The applicant further alleged that respondent No.2, in connivance with others, prepared forged and fabricated documents against the original owner and that such forgery also found its way into the record of rights. Based on these allegations, the applicant, being a tenant, challenged the purportedly forged transactions before the Anti-Corruption Court by filing the impugned complaint.

3. Upon receipt of the complaint, the learned Special Judge Anti-Corruption dismissed the same, holding that it was not maintainable and did not warrant initiation of further proceedings. It is this order which is subject matter of the present revision.

4. Learned counsel for the applicant contended that, in terms of section 4 of the Pakistan Criminal Law Amendment Act, 1958, the learned Special Judge Anti-Corruption was fully competent to take cognizance of the offences alleged in the complaint, but failed to exercise the jurisdiction vested in him. He further submitted that the applicant, being a tenant, is directly affected by the alleged fraudulent change in ownership, particularly when he has already deposited rent, and the title of the property has allegedly been altered through forgery and manipulation of official records. It was argued that in such circumstances the complaint was maintainable and ought to have been entertained by the learned trial Court.

5. Heard and perused the material available on record.

6. From the very face of the record, it is evident that the applicant, being a tenant, has sought to challenge the validity of the title documents of the landlord. The material available on record further reflects that civil proceedings regarding the determination of ownership are already pending between the contesting parties, while the applicant himself has admittedly deposited the rent through a Miscellaneous Rent Application before the learned Rent Controller. In these circumstances, the applicant has no locus standi to question or assail the title of the landlord, as a tenant is legally estopped from disputing the ownership of the person under whom he claims tenancy. Reliance in this regard is placed upon *Malik Muhammad Amin v. Mst. Saeeda Maqbool and others* (2022 YLR 742), wherein it was held that a tenant cannot challenge the title of the landlord and that any dispute relating to ownership is to be resolved by the competent civil Court.

7. Admittedly, the relationship of landlord and tenant between the parties stands established. Being a tenant, the applicant has no legitimate right to call into question the title of the owner. Furthermore, in *Syed Wajid Ali Rizvi v. X-Rent Controller, Karachi East and two others* (2022 CLC 386), it has been categorically held that a tenant has no locus standi to challenge the title of the premises of which he is a tenant. In view of this settled legal position, the applicant has failed to establish

any case against the proposed accused that would warrant invocation of criminal jurisdiction.

8. Keeping in view the above facts and circumstances, no illegality, material irregularity, or jurisdictional defect is found in the impugned order passed by the learned trial Court. Consequently, this Criminal Revision Application is dismissed.

JUDGE

Wasim/PS