

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Criminal Miscellaneous Application No. S-873 of 2024
(Syed M. Ubaid Alvi vs. Sanaullah and others)

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of case.

10.12.2025.

Mr. Muhammad Asif, Advocate for the applicant
Mr. Sarang, Advocate for the Respondent No.1.
Mr. Mumtaz Ali Shah, Assistant Prosecutor General.
Respondent No.1 Sanaullah and witness Fazalur Rehman are present.

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Ali Haider 'Ada', J:- Through this application, the applicant challenges the order dated 09.08.2024 passed by the VII Additional Sessions Judge, Karachi West, acting as Ex-Officio Justice of Peace, in Criminal Miscellaneous Application No. 2949 of 2024. The application was filed by respondent No.1 before the Justice of Peace and was allowed, directing that the statement of respondent No.1 be recorded and incorporated under Section 154 Cr.P.C.

2. Briefly, respondent No.1 submitted that the applicant had allegedly issued threats to his life using various tactics, including making phone calls from a mobile number, claiming to be calling from Rangers Headquarters. Respondent No.1 reported the matter to the concerned SHO, but no proper action was taken; therefore, an application was filed before the Justice of Peace, which was allowed. During the proceedings, the statement of one Fazalur Rehman was also recorded as a witness.

3. Learned counsel for the applicant submits that Fazalur Rehman has sworn an affidavit, available at page 53 of the record, in which he denied participating in any inquiry and stated that his signature was obtained at the police station on a blank paper. Counsel further contends that the dispute between the parties is essentially a landlord-tenant matter. Respondent No.1 was a tenant who had verbally acquired possession of the property in February 2023 and vacated it in August 2023. Due to an outstanding amount claimed by the applicant,

respondent No.1 allegedly resorted to filing this application maliciously. The property has already been handed over to a new tenant, Waheed Ansari, but respondent No.1, with a mala fide intention, filed the application. Counsel also points out that a rent agreement dated 20.05.2023, presented by respondent No.1, is forged and inconsistent with the facts. He argues that respondent No.1 has taken contradictory positions before different forums, and no clear chain of events, including the date, time, or manner of alleged threats, has been established. Additionally, the applicant has no connection with the mobile number used to make the alleged calls.

4. On the other hand, learned counsel for respondent No.1 submits that if the applicant claims forgery of the rent agreement, he should have approached the police to file a complaint, which he has not done. He contends that the alleged threats fall under criminal intimidation under Section 25 of the Telegraph Act, and that the applicant is prima facie involved in issuing these threats. He relies on paragraph 6 of his application to support his contentions.

5. The learned Assistant Prosecutor General does not support the impugned order and submits that a criminal offence can only be established through a proper chain of events. Since respondent No.1 failed to provide such evidence, the order of the Justice of Peace is not in accordance with the law.

6. Upon hearing the arguments and reviewing the record, it is observed that the primary role of the Justice of Peace is to address grievances of aggrieved parties. However, a distinction exists between addressing grievances at the police level and at a judicial forum. When a matter is reported to the police, the police are obligated to record the statement. When approached before the Justice of Peace, who acts as a quasi-judicial authority, the proceedings must be conducted judicially, and the applicant must establish a prima facie case with supporting material. The Justice of Peace is obligated to carefully assess the application rather than act mechanically. Reliance is placed on the case of **Munawar Alam Khan v. Qurban Ali Mallano and others (2024**

SCMR 985), which emphasizes that the Justice of Peace must exercise caution and ensure that the applicant approaches the Court with clean hands.

7. In the present case, it is prima facie clear that this dispute is essentially a civil matter between a landlord and a tenant. Respondent No.1, in an attempt to convert a civil issue into a criminal matter, filed an application, which was entertained by the Justice of Peace without proper consideration of the material on record. During the inquiry, the witness Fazalur Rehman did not support the allegations made by respondent No.1.

8. Considering the above, there is no proper basis to convert a civil dispute into a criminal proceeding, especially when the complainant has failed to establish a prima facie case or provide supporting evidence. The Justice of Peace, being a judicial authority, must exercise caution and not pass orders mechanically or without considering all relevant material.

9. In view of the above, this Criminal Miscellaneous Application is allowed. The order dated 09.08.2024 passed by the VII Additional Sessions Judge, Karachi West, in capacity as Ex-Officio Justice of Peace, is hereby set aside.

JUDGE

Wasim/PS