

IN THE HIGH COURT OF SINDH KARACHI

*Criminal Miscellaneous Application No. S-953 of 2024
(Muhammad Asif vs. The State and others)*
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DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of case

11.12.2025.

Mr. Aziz-ur-Rehman, Advocate for the Applicant.
Mr. Wazir Ali Lakhani, Advocate for Respondent.
Mr. Mumtaz Ali Shah, Assistant Prosecutor General Sindh.

ORDER

Ali Haider ‘Ada’, J:- Being bound by common questions of law and facts, I intend to dispose of the above-captioned Criminal Miscellaneous Applications through this single consolidated order.

2. The present applicant has assailed the order dated 07.09.2024 passed by the learned VI-Additional Sessions Judge, Karachi East, whereby Criminal Miscellaneous Applications Nos. 4846, 4847, 4848, 4849 and 4850 of 2024, filed under Sections 22-A and 22-B Cr.P.C., were dismissed and the prayer for registration of FIR was declined.
3. Briefly stated, the applicant approached the learned Justice of Peace seeking directions for registration of FIR against the proposed accused. The grievance of the applicant is that during the pendency of civil proceedings between the parties, an agreement of sale was produced by the proposed accused showing that the applicant had sold the disputed property. According to the applicant, the said agreement of sale was forged and did not bear his genuine signatures. It is further the case of the applicant that upon his application, the learned Civil Court

sent the disputed document to the forensic laboratory, and the report subsequently received revealed that the signatures on the agreement of sale did not match with his admitted signatures. On the basis of this forensic opinion, the applicant sought registration of FIR for the offence of forgery; however, his applications were dismissed by the learned Justice of Peace.

4. Learned counsel for the applicant contended that once the forensic report has opined that the signatures do not match, a cognizable offence is made out and registration of FIR becomes mandatory. He further argued that the learned court below failed to properly appreciate the material available on record.

5. During the course of arguments, learned counsel was confronted with the question as to whether any penal action had been initiated by the learned Civil Court regarding the disputed document. In response, learned counsel fairly conceded that no such action has been taken so far, as the civil suit is still pending final adjudication.

6. On the other hand, learned counsel for the respondent submits that the application is premature, as the defence has a right to cross-examine the forensic report, and even otherwise, the opinion of a handwriting expert is considered a weak type of evidence. It is further argued that at this stage, when the matter is sub judice, any finding of this Court may prejudice the entire case. On these grounds, learned counsel prays for dismissal of the application. Learned Assistant Prosecutor General also supports the impugned order and endorses the contentions raised by learned counsel for the respondent.

7. I have heard the learned counsel for the parties and perused the record with due care.

8. Admittedly, a civil suit between the parties is pending and the agreement of sale in question was produced during those proceedings. The forensic opinion regarding the signatures is only a piece of evidence, which requires formal proof and appreciation at the stage of evidence. Such opinion, by itself, does not finally determine the

authenticity or otherwise of the document. The Civil Court, before which the disputed document has been produced, is fully competent to examine its legality, authenticity and evidentiary value. It is also empowered to take appropriate action, if so warranted, at the time of final adjudication. At this stage, directing registration of FIR would amount to prejudging disputed questions of fact which are yet to be conclusively determined by the Civil Court.

9. It is well settled that criminal proceedings should not be initiated to settle or pre-empt issues which are mainly civil in nature, particularly when the matter is sub judice before a competent court. In this regard, reliance is placed upon the judgment of the Hon'ble Supreme Court in **Mst. Madiha Bano v. Senior Superintendent of Police, Complaint Cell South Karachi and others (2025 SCMR 1345)**, wherein it was observed that where no cognizable offence is found to be made out, the application for registration of FIR may be dismissed, while leaving the petitioner at liberty to avail appropriate remedies in accordance with law.

10. In the present case, Justice of Peace has concluded that the matter does not warrant registration of FIR at this stage. I find no illegality, perversity in the impugned order calling for interference. Consequently, the instant Criminal Miscellaneous Applications are dismissed. Office is directed to place the signed copy of this order on each file, as attached herewith.

JUDGE

Wasim/PS