

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc. Application No.489 of 2025

[Amna vs. SSP Tando Muhammad Khan and others]

Applicants by : Mr. Muhammad Jameel Advocate

Proposed accused 2&3 by : Mr. Haider Ali Maheri advocate

Respondent No.1 by : Mr. Shahid Ahmed Shaikh Addl: P.G

Date of hearing : **12.01.2026**

Date of Decision : **12.01.2026**

O R D E R

ARBAB ALI HAKRO, J.- The applicant has approached this Court through the present criminal miscellaneous application, seeking reversal of the Order dated 15.07.2025 passed by the learned Ex-Officio Justice of Peace, Tando Muhammad Khan, whereby her application under Sections 22-A and 22B Cr.P.C for registration of FIR against the proposed accused was dismissed.

2. The allegation advanced by the applicant is that the proposed accused unlawfully cut and removed trees from her agricultural land. Learned Justice of Peace, after calling a report from the DSP Complaint Cell and hearing the parties, declined the request for registration of FIR. During the pendency of the present proceedings, however, this Court independently called a detailed report from the SHO, Police Station, Taluka Tando Muhammad Khan, which now forms part of the record.

3. Learned counsel for the applicant contended that the facts disclosed by the applicant clearly establish the commission of cognizable offences by proposed accused Nos. 2 and 3. However, despite such disclosure, the SHO concerned refused to register the FIR, and the learned Ex-Officio Justice of Peace dismissed her application without properly appreciating the facts narrated by her. He therefore prayed for setting aside the impugned Order and for issuance of directions to the

SHO concerned to record the applicant's statement verbatim and convert the same into an FIR in terms of Section 154, Cr.P.C.

4. Conversely, learned counsel appearing on behalf of the proposed accused argued that the dispute between the parties is purely civil in nature, but the applicant has attempted to give it a criminal colour. He submitted that the report furnished by the DSP Complaint Cell clearly reflects that the trees in question had fallen due to a heavy rainstorm and not as a result of any act attributable to the proposed accused. He maintained that the learned Justice of Peace rightly dismissed the application and that the present criminal miscellaneous application is also liable to be dismissed for being devoid of merit.

5. Learned Additional Prosecutor General supported the impugned Order and prayed for dismissal of the instant criminal miscellaneous application.

6. Having heard learned counsel for the parties as well as learned Additional P.G and perused the material available on record. The SHO's report submitted before this Court traces the long-standing civil discord between the parties, arising from inheritance, possession and cultivation rights over agricultural land. The report sets out that the applicant is the widow of Ali Ahmed Laghari and belongs to the same family lineage as the proposed accused. It further records that the parties have been engaged in multiple rounds of civil litigation, including Civil Suit No.115 of 2021, subsequent proceedings under Order IX Rule 13 CPC, Civil Revision No.7 of 2024, and pending execution proceedings. The SHO's report also notes that the matter has previously been before this Court in connected civil proceedings. This background demonstrates that the dispute between the parties is deeply rooted in civil claims over agricultural land.

7. Upon inquiry into the allegation of tree cutting, the SHO reported to this Court that the trees in question had fallen due to heavy rain, storm and strong winds and not due to any deliberate act by the proposed

accused. The SHO visited the site, examined the physical condition of the land, recorded statements of independent persons, and found no evidence of human intervention. No stump marks, tool cuts, or other indicators of intentional cutting were observed. The land was under cultivation by a tenant, and even the applicant's own tenant acknowledged that the damage was caused by natural forces. The SHO categorically stated that no cognizable offence had occurred and that the allegations appeared to be an extension of the ongoing civil hostility. This report, called by this Court, therefore provides an independent and neutral factual assessment that further reinforces the conclusion reached by the learned Justice of the Peace.

8. The record also reflects that the applicant has filed multiple criminal miscellaneous applications in the past bearing Nos. 569 of 2022, 1055 of 2024 and 518 of 2025, each arising from the same civil dispute. Each time, the allegations were found to be unsubstantiated. The SHO's report submitted before this Court notes that the applicant has repeatedly attempted to convert a civil dispute into a criminal prosecution and that no incident of criminal intimidation, trespass, or mischief has ever been substantiated. The pattern of litigation suggests that the criminal process is being invoked as a tool to exert pressure upon the opposite party during the pendency of civil proceedings.

9. The learned Ex-Officio Justice of Peace, while relying on the earlier report of the DSP Complaint Cell, concluded that the allegations did not disclose the commission of any cognizable offence and that the dispute was civil in nature. Although the report considered by the Justice of Peace was not as detailed as the one now before this Court, the conclusion reached by the Justice of Peace is fully supported by the independent, more exhaustive report submitted to this Court. The impugned Order reflects a judicious exercise of jurisdiction, and no material has been placed before this Court to demonstrate that the learned Justice of Peace misread the record, ignored material evidence or exercised jurisdiction illegally or arbitrarily.

10. The consistent judicial pronouncements make it clear that where the dispute is civil in essence, criminal law cannot be invoked merely to settle scores and that the Justice of Peace is not bound to direct registration of FIR where the allegations are doubtful, mala fide or unsupported by material. The extraordinary jurisdiction under Sections 22-A and 22-B Cr.P.C is not intended to serve as a substitute for civil remedies.

11. Upon a holistic evaluation of the record, including the SHO's detailed report submitted before this Court, it becomes evident that the applicant's allegations are unsupported by any independent evidence, that the trees fell due to natural causes and that the dispute between the parties is deeply rooted in civil litigation. No material has been produced to demonstrate commission of any cognizable offence by the proposed accused, nor is there any justification for interference by this Court. The impugned Order dated 15.07.2025 is well-reasoned, legally sound and in consonance with settled principles of law.

12. For these reasons, the present criminal miscellaneous application is devoid of merit and is accordingly **dismissed**.

JUDGE

Sajjad Ali Jessar