

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No.1138 of 2025

For the Applicant : Beenish Fahad
W/o. Muhammad Fahad Khaliq
Through Mr. Ahmed Khan Bugti,
Advocate

For the Respondent-4 : Mussrat Shah
W/o. Imtiaz Shah
Through Mr. Rashid Hussain,
Advocate.

The State : Mr. Abrar Khichi, Addl. P. G. Sindh.

Date of hearing : 06.04.2026.

Date of Order : 06.04.2026.

ORDER

Jan Ali Junejo, J:-- Through this Criminal Misc. Application under Sections 561-A Cr.P.C., the applicant Beenish Fahad seeks setting aside of the order dated 06.11.2025 (hereinafter referred to as the "*Impugned Order*") passed by the learned Judicial Magistrate-V, Karachi South, on the report under Section 173 Cr.PC filed by the Investigation Officer under 'B' class in FIR No.533/2024 under Section 337-F(vi) PPC registered at PS Darakhshan, whereby the learned Magistrate accepted the report under 'B' class.

2. The facts, as reflected from the record, are that the applicant, Beenish Fahad, lodged FIR No. 533 of 2024 at Police Station Darakhshan, Karachi, for an offence punishable under Section 337-F(vi) P.P.C. against Mussarat Shah, stating therein that on 26.08.2024 at about 1530 hours, she was sitting in the compound of Florida Homes Apartment, DHA Phase V, Karachi, when Mussarat Shah wife of Imtiaz Shah with whom she had an ongoing dispute regarding the apartment, came there. Upon seeing the applicant, Mussarat Shah started shouting and asking her why she had come there and to leave the place. Thereafter, she attacked the applicant, dragged her, and started beating her brutally. In the meantime, her

husband, Imtiaz Shah, arrived and pulled his wife away; however, during the scuffle, Mussarat Shah pulled the applicant's hand, due to which the small finger of her right hand sustained a severe injury. Owing to the pain, the applicant cried loudly, upon which Mussarat Shah fled from the scene. Thereafter, due to severe pain in her hand, the applicant went to the Police Station on 27.08.2024 along with her medical certificate bearing No. JPMC-2168/2024, showing treatment by Dr. Afshan Nazli. Subsequently, a final report was prepared, and on the direction of the Court, the applicant recorded her statement at the police station, stating that legal action be taken against Mussarat Shah wife of Imtiaz Shah, hence, this FIR.

3. Pursuant to the registration of FIR, the investigation was followed and in due course the police submitted a report under Section 173 Cr.P.C. under 'B' class against the Respondent No.4. The learned Judicial Magistrate-V, Karachi (South) accepted the said report vide impugned order dated 06.11.2025. It would be conducive to refer relevant para which reads as under:-

"In view of above discussion, as the Medico Legal Certificate No.2168/2024 dated 27.08.2024 has been declared incorrect, therefore, this court concurs with the opinion of I.O and hereby accepts the instant final report under 'B' Class as false case on the basis of report of Special Medical Board. Accused is present on bail, her bail bond is cancelled and surety stands discharged".

3. Aggrieved by the aforesaid order, the applicant has preferred this Crl. Misc. Application.

4. It is contended on behalf of the applicant that the impugned order is illegal, unlawful, improper, incorrect and based on evasive findings and without application of conscious judicial mind. It is next submitted that the learned Magistrate while accepting the report under Section 173, Cr.P.C. has failed to thoroughly examine the material facts of the case. Lastly it was submitted that the learned Magistrate did not consider the material produced in investigation report and accepted the challan without assigning

valid and cogent reasons, hence the impugned order same is liable to be set-aside.

6. The learned Additional Prosecutor General assisted by learned counsel for Respondent No.4 has supported the impugned order and submitted that the impugned order is based on fair evaluation of record and no illegality, infirmity of material irregularity has been pointed out by the learned counsel for the applicant and prayed for dismissal of the instant Cr. Misc. application.

7. Heard arguments of respective parties and perused the entire material available on record with their able assistance.

8. It is an admitted position that the Medical Board, consisting of six qualified doctors, examined the matter and unanimously opined that the medical report relied upon by the applicant was incorrect. The learned Judicial Magistrate, while accepting the 'B' Class report, has rightly placed reliance on the findings of the Medical Board and has passed a well-reasoned order. No material illegality or jurisdictional defect has been pointed out which may warrant interference by this Court in exercise of its inherent powers under Section 561-A Cr.P.C.

9. It is settled law that inherent jurisdiction is to be exercised sparingly and only in cases where there is manifest injustice or abuse of the process of the Court. In the present case, no such circumstance is made out.

10. Accordingly, the instant Criminal Miscellaneous Application is dismissed, and the impugned order passed by the learned Judicial Magistrate is maintained.

JUDGE