

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl.Misc. Application No.S-531 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Irshad Ali S./O Shah Nawaz Jatoi
Through Mr.Asif Ali Jatoi, Advocate.

The State: Through Mr.Shafi Muahmamd Mahar, D. P.G.

Proposed accused:: 1.AijazAhmed Gajani s/o unknown accused
2. Muhammad Ali Mahar
Through **Mr.Muhamamd Ali Napar Advocate.**

Proposed accused: Jahangir Azeem S/O Muhammad Azeem Memon
Mst. Raheela ParveenMemon W/O Abid Azeem
Memon Through Mr.Rukhsar Ahmed Junejo
Advocate.

Date of hearing & order: **05.10.2026.**

Suresh Kumar J:- Through this Criminal Misc. Application under Section 561-A, Cr.P.C, the applicant has impugned the Order dated 06.08.2025 passed by learned Additional Sessions Judge-I, /Ex-officio Justice of Peace Sukkur in Crl; Misc. Application No.1825/2025 Re.Irshad Ali v. SSP Sukkur and others, thereby dismissing application under section 22-A-(i) Cr.P.C. for registration of FIR.

2. The facts as per the record leading to this application are that, according to the applicant, he is the custodian of records, specifically the seals of the Sindh Cooperative Housing Society, and has remained in charge of matters pertaining to the allotment, transfer, and documentation of various plots, including plot numbers B-51 and B-58, each measuring 300 square yards. The proposed accused, Aijaz Ahmed, in collusion with other proposed accused individuals, fraudulently registered the aforementioned plots in his name by forging the signature of the applicant and utilizing the official rubber stamps/seals of the society to create forged documents for an illegal

transaction that never occurred with the applicant. Subsequently, the proposed accused, Zulfiquar Ali, illegally transferred plot No. 58 through these forged documents to the proposed accused, Sadullah Shaikh. Furthermore, the proposed accused, Abdul Ghayas, posed as the seller and created a forged document in favor of the proposed accused, Ghulam Nabi Kambooh. Following these events, the applicant lodged a complaint and approached the SHO of PS Abad and the SSP of Sukkur, disclosing the fraud; however, no action was taken. Thereafter, the applicant filed a Criminal Miscellaneous Application seeking directions for the registration of an FIR, which was dismissed by the learned Additional Sessions Judge-I / Ex-officio Justice of Peace Sukkur, as per the order dated 06.08.2025. This dismissal is now being challenged through the present Criminal Miscellaneous Application.

3. Learned counsel for applicant has contended that impugned order passed by learned Additional Session Judge I/Ex-officio Justice of Peace Sukkur is much against the law and natural justice. He has also contended that police is bound to register FIR for cognizable offence as made out from the contents of complainant. He has lastly contended that learned Additional Session Judge-I/Ex-officio Justice of Peace Sukkur did not apply his judicial mind while passing impugned order regarding offence committed by the proposed accused.

4. Learned Deputy P.G. Sindh, has supported the impugned order and he has also contended that there is civil dispute between the parties therefore, applicant has filed present application with mala fide intention.

5. Learned counsel for proposed accused have adopted the same arguments as made by learned DPG and they also prayed for dismissal of this Crl. Misc. Application.

6. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned Assistant Prosecutor General, as well as the complainant, and having perused the relevant material, it is revealed from the examination of the impugned order dated 06.08.2025 that the learned Additional Sessions Judge-I / Ex-officio Justice of Peace Sukkur has dismissed the Criminal Miscellaneous Application under Sections 22-A and 22-B of the Code of Criminal Procedure with following observation:

“After hearing the arguments of learned counsel for the parties and have gone through the record. From the perusal of record it reveals that there is no date and time of alleged incident is shown by the applicant in the memo of this cr. Misc. Application and the documents and NOCs have been issued on 04.03.2019 and the applicant being practicing lawyer claimed that he is custodian of record and seals of Sindh Co-operative housing Society Sukkur and the proposed accused persons have committed the forgery in the documents but the applicant has not sought the declaration of alleged forgery in respect of the documents and until and unless a civil Court declares documents to be forged, as case for forgery can not be lodged. The applicant through instant cr. Misc. Application wants to convert the civil dispute into criminal litigation while report of SHO and Inquiry Officer/DSP complaint Cell Sukkur is adverse to the version of applicant and the applicant has failed to produce tangible evidence for issuance of direction to SHO to record his FIR against the proposed accused persons.”

7. From a bare reading of the above order, it is evident that the learned Ex-officio Justice of Peace / Additional Sessions Judge-I, Sukkur, has dismissed the application under Sections 22-A and 22-B of the Code of Criminal Procedure on the ground that the applicant has converted a civil dispute into criminal litigation. Furthermore, the report of the SHO of PS Abad Sukkur is adverse to the version of the applicant. It is well-settled law that when a police report is against the complainant, it is appropriate for the complainant to avail themselves of an alternate remedy in the form of a

Direct Complaint. In the case of Muhammad Fareed v. Government of Sindh and others (2002 CLC 530), the Honourable Supreme Court has emphasized that a private complaint provides an equal adequate relief to a complainant as complainant has full opportunity to lead their entire evidence directly before the Court. Similarly, in the case of Rai Ashraf v. Muhammad Saleem Bhatti (2010 PLD 691) has held that where actual dispute exists or police enquiry found allegations false the remedies lies in private complaint which is equal efficacious as complainant can lead entire evidence. In the present case Police report is adverse and does not support the version of complainant, therefore, direct complaint is appropriate remedy for the applicant/complainant.

8. For the reasons stated above and in light of the guidance taken from the cited case law, I am of the considered view that the application merits no consideration; therefore, it is hereby dismissed, and the impugned order dated 06.08.2025 of the Additional Sessions Judge-I / Ex-officio Justice of Peace Sukkur is maintained. However, the applicant is at liberty to avail himself of an alternate remedy in the form of a Direct Complaint, if he is advised so.

JUDGE

Hizbullah .