THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Miscellaneous Application No. S–47 of 2026
[Muhammad Agan and another v. The State & others]

Present:
Mr. Justice Ali Haider 'Ada'.

Applicants	:	1. Muhammad Agan, 2. Muhammad Safar through Mr. Abdul Rahim Jamro, Advocate.
Respondents	:	The State S.S.P Khairpur, DSP Complaint Cell, S.H.O P.S Sobhodero Through Mr. Zulfiqar Ali Jatoi, Additional P.G, Sindh.
Respondent No.5	:	Rasool Bux through Mr. Shah Muhammad Bango, Advocate.
Date of hearing	:	23.11.2026.
Date of decision	:	23.11.2026.

O R D E R

Ali Haider 'Ada', J.- The applicants have assailed the order dated 17.01.2026, passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Gambat, whereby the application filed by respondent No.5 was allowed with the direction to record the statement of respondent No.5 in terms of Section 154 Cr.P.C.

2. The crux of the case is that respondent No.5 filed an application under Sections 22-A and 22-B Cr.P.C. seeking registration of an FIR on the ground that he had been deprived of possession of the land in question, alleging that the agricultural land had been occupied by the applicants/accused. During the proceedings before the learned Justice of Peace, a report was called from the concerned police officials, who reported that the parties were close relatives and that a dispute concerning landed property existed between them.

3. Learned counsel for the applicants submits that respondent No.5, in order to convert a civil dispute into criminal litigation, filed a

frivolous application under Sections 22-A and 22-B Cr.P.C. He contends that, prior to the filing of the said application, the present applicants had already instituted a Civil Suit for declaration, possession, cancellation, mandatory and permanent injunction against respondent No.5. In the said suit, the applicants claimed that their father was a co-owner of the property along with respondent No.5 and that, by virtue of a document executed in the year 1992, they were entitled to their respective shares in the property. It is further contended that, despite their claim as co-sharers, respondent No.5 had not delivered their due share in the joint possession of the property. Learned counsel submits that the civil suit is still pending adjudication before the competent Civil Court and that, instead of contesting the said proceedings, respondent No.5 initiated criminal proceedings on the basis of a false and frivolous complaint. He further argues that the learned Justice of Peace, Gambat, failed to apply judicial mind to the facts and circumstances of the case and allowed the application in a mechanical manner.

4. Conversely, learned counsel for respondent No.5 supports the impugned order and submits that the Respondent No.5 disclosed a cognizable offence, as the applicants have allegedly occupied the land in question. He contends that the matter requires investigation by the police and, therefore, the order passed by the learned Justice of Peace does not suffer from any illegality.

5. Learned Additional Prosecutor General has mainly relied upon the report submitted by the concerned police officials, wherein it was opined that the parties are close relatives and that a dispute concerning landed property exists between them.

6. Heard and perused the material available on record.

7. A perusal of the record reveals that a dispute concerning the landed property already exists between the parties and that the same is pending adjudication before the competent Civil Court. The applicants claim their entitlement to the property on the basis of co-ownership and seek determination of their respective shares through the pending civil proceedings. Thus, the nature of the

dispute and the competing claims of the parties are already before the Civil Court for adjudication.

8. So far as the scope of the jurisdiction exercised by an Ex-Officio Justice of Peace under Sections 22-A and 22-B Cr.P.C. is concerned, it is observed that the said forum is not expected to entertain or allow an application mechanically, without examining the nature of the grievance and the material placed before it. The object of these provisions is to provide redress against grievances relating to the non-registration of a criminal case and other matters falling within the scope of the law, and not to provide a forum for the misuse of the criminal process or to give a criminal colour to a dispute essentially concerning civil rights.

9. In the case of ***Munawar Alam Khan v. Qurban Ali Malano and others*** **(2024 SCMR 985)**, the Honourable Supreme Court observed that applications under Sections 22-A and 22-B Cr.P.C. should not be entertained or decided in a routine or mechanical manner. The Courts are required to remain vigilant against the abuse of the process of law through frivolous, mala fide or motivated complaints.

10. Likewise, in ***Imtiaz Ahmed Cheema v. SHO, Police Station Daharki, District Ghotki*** **(2010 YLR 189),** this Court observed that an Ex-Officio Justice of Peace is under a legal obligation to ensure that the provisions of Sections 22-A and 22-B Cr.P.C. are not abused and that criminal law is not set into motion without adequate justification.

11. An Ex-Officio Justice of Peace is, therefore, required to examine the complaint by applying judicial mind and cannot accept the allegations made therein as gospel truth merely because they have been levelled by the applicant. Where the material placed before the Court itself reflects that the controversy primarily relates to the ownership, possession or entitlement of the parties in respect of immovable property, and such controversy is already pending adjudication before the competent Civil Court, the Justice of Peace must examine whether any independent cognizable offence is actually disclosed. The criminal process cannot be permitted to

operate as a means of exerting pressure in a pending civil dispute or of obtaining indirectly what is subject to determination by the Civil Court. Reliance in this regard is placed upon ***Rai Ashraf v. Muhammad Saleem Bhatti*** **(PLD 2010 SC 691),** ***Muhammad Mushtaq v. Additional Sessions Judge, Lahore and others*** **(2008 YLR 2301),** ***Syed Abbas Ali Shah v. SHO, Police Station Madiaji, District Shikarpur and others*** **(2011 YLR 1768),** ***Muhammad Babar v. Ex-Officio Justice of Peace and others*** **(2026 PCr.LJ 916),** ***Muhammad Saleem v. Station House Officer, Police Station City Sibi*** **(2022 PCr.LJ 167) and** ***Jameel Ahmed Butt and another v. The State*** **(2014 PCr.LJ 1093).**

12. For the foregoing reasons and discussion, the instant Criminal Miscellaneous Application is allowed. Consequently, the impugned order dated 17.01.2026, passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Gambat, in Criminal Miscellaneous Application No.6361/2025, is hereby set aside.

JUDGE