ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Misc. Application No.S-287 of 2026

DATE **ORDER WITH SIGNATURE OF JUDGE**

03.11.2026

Mr. Sher Ali Behan advocate for the applicant.

Respondent No.1 in person.

Mr. Dhani Bakhsh Mari, Assistant P.G a/w ASI PS Qabu Saeed Khan.

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Nisar Ahmed Bhanbhro, J: The applicant through instant Criminal Misc. Application has challenged order dated 22-08-2026 passed by learned Judicial Magistrate-I, Tando Adam, whereby police report for letting off respondent/ accused Syed Osama Shah in F.I.R bearing Crime No.72/ 2026 for offence punishable under sections 430,506(2),440,504,34 P.P.C of P.S Taluka Tando Adam, was approved.

2. It is the case of prosecution that on 13-07-2026 at 0930 hours applicant/ complainant Syed Yakoob Shah was present on his land alongwith his *haries* namely Dedo and Birbal and were looking after the flow of water when at 1200 hours accused Syed Osama Shah having lathi, Muhammad Yousuf Chandio having hatchet and Nisar Ahmed having spade alongwith two unknown culprits entered into the land and diverted water to their own lands and issued threats of death and dire consequences. The applicant approached police, where his report was incorporated in 154 Cr.P.C book. Investigation took its course and I.O found that respondent/accused Syed Osama Shah at the relevant time of

incident was available at Hyderabad, therefore, discharged him under section 169 Cr.P.C and submitted such report u/s 173 Cr.P.C before the concerned Magistrate, which was accepted.

3. Learned counsel for the applicant contended that respondent/ accused Syed Osama Shah is specifically named with allegation of diverting water and issuing threats of dire consequences, as such, sufficient incriminating material is available on record to take cognizance against him. He, therefore, prayed for setting aside impugned order.

4. Learned Assistant P.G supported the impugned order and contends that no material evidence is available on record to connect the respondent No.1 with the commission of crime.

5. Respondent/ accused Syed Osama Shah is present in person; he submits that he is innocent and at the relevant time he was at Hyderabad.

6. Heard arguments and perused the material available on record. Applicant lodged F.I.R for offence punishable u/s 430 P.P.C, which pertains to damaging the irrigation works, as such, applicant was not aggrieved party to lodge complaint. In this regard, the irrigation department was only competent to initiate such proceedings under section 430 P.P.C or under section 61/62 of the Irrigation Act. As far as offence u/s 506(2) P.P.C is concerned, same from the contents of the F.I.R is not made out in terms of definition contained under section 503 P.P.C. The allegations reveal a threat of a vague nature, whereas, to constitute criminal intimidation, the threat must be of such a nature as to cause alarm to the person threatened or to compel

him to do an act which he is not legally bound to do, or to omit an act which he is legally entitled to do. From F.I.R, it transpires that there was no reaction of the applicant/ complainant on the alleged threat, as such no case u/s 506(2) P.P.C was made out. Since I.O opined that respondent/ accused Syed Osama Shah was not responsible for commission of alleged crime after placing on record material, which is in shape of electronic generated evidence enumerated under Article 164 of the *Qanoon-e-Shahadat* Order, 1984 and is of worth reliance, cannot be brushed aside easily.

7. This court has observed that police officials record F.I.R u/s 506(2) P.P.C, which from the face of it, is not made out and using the same as a weapon to victimize the innocent souls. This practice on the part of police shows their inefficiency, negligence and lack of knowledge of law. The police official, acting as incharge of a Police Station, should avoid from lodging F.I.R under section 506(2) P.P.C, unless offence within the meaning and definition of section 503 P.P.C is made out.

8. Learned Magistrate, after perusal of material collected during investigation, passed impugned order, which otherwise is well reasoned and does not require any interference, as such this Criminal Misc. Application fails and is dismissed accordingly.

JUDGE

Approved for reporting.

Saleem