HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Miscellaneous Application No.S-584 of 2026

Applicant:	Muhammad Warish through Mr. Abdul Raheem Memon, Advocate.
Respondents:	The Deputy Inspector General of Police, Hyderabad and others through Mr. Shawak Rathore, Deputy Prosecutor General, Sindh.
Date of hearing:	02.11.2026.
Date of order:	02.11.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J.— Through this application under section 561-A, Cr.P.C., the applicant challenges the order dated 11.08.2026 passed by the learned II-Additional Sessions Judge/Ex-Officio Justice of Peace, Jamshoro, in Criminal Miscellaneous Application No.968 of 2026, whereby his prayer for registration of an FIR was declined, while protection was directed. He seeks setting aside of the order to the extent of refusal and a direction for recording his version under section 154, Cr.P.C.

2. Briefly, the applicant, associated with M/s Anwarzaib White Cement Factory, alleges that on 14.06.2025 certain persons entered its claimed mining lease, excavated and subsequently raised construction, besides extending threats and indirectly demanding extortion. His approaches to the police allegedly remained ineffective. The lease controversy is also the subject of constitutional proceedings, including C.P. No.D-251 of 2026.

3. Learned counsel for the applicant contends that the allegations disclose cognizable offences and that acknowledged complaints establish repeated recourse to the police. He disputes the characterization of the lease as cancelled, relies upon interim protection in the constitutional proceedings, and submits that the subsequent police report lacks revenue verification and authenticated demarcation. He maintains that disputed facts require investigation rather than rejection at the threshold.

4. Conversely, learned D.P.G., Sindh, supports the impugned order, submitting that the controversy principally concerns identification, possession and entitlement over disputed land. Referring to the police inquiry, he argues that the alleged personal involvement and independent criminal acts have not been sufficiently particularized to warrant the direction sought.

5. The record has been examined. In *YOUNAS ABBAS and others v. ADDITIONAL SESSIONS JUDGE, CHAKWAL and others* (PLD 2016 SC 581), the Supreme Court held that functions under section 22-A (6), Cr.P.C., are quasi-judicial and require examination of the record and exercise of judgment with due application of mind. A direction for registration must consequently follow a reasoned assessment of the complaint and attending circumstances.

6. The applicant's acknowledged complaints establish that he approached the authorities; they do not, by themselves, resolve whether the particular criminal direction sought is warranted. The initial entry is attributed to unknown persons, whereas the subsequent allegations of threats and indirect extortion lack particulars identifying the maker, occasion, words or demand attributable to each proposed accused. Mere enumeration of penal provisions, including the Anti-Terrorism Act, cannot supply those missing factual ingredients.

7. Equally, neither pendency of a property dispute nor disputed lease status automatically excludes criminal liability. Nevertheless, the alleged unlawful excavation here depends materially upon locating the work within the applicant's claimed lease and identifying the persons responsible. The police report refers to a labour-housing project on land claimed under different survey descriptions, but expressly acknowledges that revenue verification remains awaited. The applicant's objections to its incompleteness therefore have substance: neither the alleged gift nor the absence of supporting witnesses reported by police is treated as conclusive and no finding of ownership, lawful construction or falsity of the complaint is recorded. Those deficiencies, however, do not themselves establish entitlement to an unconditional direction to register the applicant's version verbatim.

8. On the material presented, the unresolved site identification, the initial attribution to unknown persons and the generalized allegations of separate criminal conduct, considered cumulatively, furnish sufficient

grounds to decline such relief. The disputed description of the lease as “cancelled” rather than “expired” is not decisive to this conclusion. Likewise, protective directions are preventive and do not constitute a finding that a cognizable offence has occurred. Accordingly, no ground warranting interference under section 561-A, Cr.P.C., is established. The application is **dismissed**. The protection already directed shall continue in accordance with law. The applicant may pursue a private complaint under section 200, Cr.P.C., or other competent proceedings, including enforcement of any subsisting interim order. These observations shall not prejudice pending proceedings or relieve the police of their statutory duty upon receipt of information disclosing a cognizable offence.

JUDGE

Abdullah Channa/PS