ORDER SHEET

IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD

Criminal Miscellaneous Application No.S-548 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For order on MA No.7395/2026.
2. For order on office objection.
3. For order on MA No.7391/2026.
4. For hearing of main case.

11-11-2026

None present for the applicant. No intimation is received. The record reflects that on the last date of hearing also, none appeared on behalf of the applicant. Nevertheless, the memo of application and the impugned order have been examined.

Through this application under section 561-A, Cr.P.C., the applicant has challenged the order dated 12.08.2026 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Jamshoro, whereby his request for registration of an FIR was declined, while directions for his legal protection were issued.

Briefly, the applicant claims that, pursuant to an agreement executed in 2021 with proposed accused Muhammad Hassan Rajjar concerning approximately 24 acres of land, he developed a housing scheme known as “Shahnawaz Residency”, paid substantial amounts to the proposed accused and incurred considerable development expenditure. He alleges that on 16.05.2026, the proposed accused, accompanied by eight unidentified armed persons, entered the site office, resorted to aerial firing, dispossessed the staff, removed weapons and office articles, and extended threats. Upon the alleged failure of the police to register his case, he approached the learned Ex-Officio Justice of Peace.

The impugned order reflects that reports were obtained from the concerned police authorities and both sides were heard. According to those reports, the dispute concerned the sale and purchase of land and the applicant had not reported the alleged occurrence at the police station. The learned Justice of Peace consequently found the controversy to be essentially a civil/business dispute concerning possession and management of the housing scheme.

The applicant's grievance concerns his alleged dispossession and the takeover of the possession and affairs of Shahnawaz Residency; that, according to the SHO's report, no such incident had been reported at the police station; and that the civil/business dispute could be resolved by the competent Civil Court. These observations must be read together with the express direction to the SHO, Police Station Jamshoro, to provide legal protection to the applicant, subject to the safeguard that such protection should not be used in other civil or criminal proceedings. Thus, the applicant's request for protection was addressed without conferring any advantage concerning the disputed property or contractual rights.

The existence of a civil dispute does not, by itself, exclude criminal liability for an independently disclosed offence. However, the allegations in the memo, considered alongside the reasons recorded in the impugned order, do not establish any patent illegality, material irregularity or abuse of process warranting interference under section 561-A, Cr.P.C. The applicant's repeated non-appearance has also left the grounds of challenge unsupported by any further assistance.

Consequently, the criminal miscellaneous application is **dismissed** along with listed applications. The direction for legal protection contained in the impugned order shall remain operative on its stated terms. The applicant may pursue such civil remedy or private complaint as is available to him under the law. Nothing herein shall prejudice the determination of those proceedings on their own merits.

JUDGE

Abdullah Channa/PS