IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Miscellaneous Application No.1192 of 2026

Applicant	:	Mst. Anum daughter of Zahid Ahmed Garib *Through* Mr. Mohammad Vawda, Advocate.
Respondent No.1	:	Salman Ahmed Tabba son of Ahmed Tabba *Through* Mr. Muhammad Hanif Faisal Alam, Advocate.

Cr. Miscellaneous Application Nos.1204 & 1219 of 2026

Applicant	:	Salman Ahmed Tabba son of Ahmed Tabba *Through* M/s. Muhammad Hanif Faisal Alam and Shoaib A. Khatian, Advocates.
Respondent No.1	:	Mst. Anum daughter of Zahid Ahmed Garib *Through* Mr. Mohammad Vawda, Advocate.
Respondents No.2	:	The State *Through* Mr. Qamaruddin Nohri, Assistant Prosecutor General Sindh.
Date of hearing	:	10.11.2026
Date of order	:	18.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** These applications arise from an order dated 17.09.2026 passed by the XVIIIth Judicial Magistrate, Karachi South, in Domestic Violence Petition No.Nil/2026, and the orders dated 14.10.2026 and 28.10.2026 passed in Criminal Revision Applications Nos.168 and 183 of 2026, respectively. Their determination involves the scope of protective jurisdiction under the Domestic Violence (Prevention and Protection) Act, 2013 (the Act), particularly section 11(8), and its relationship with the jurisdiction of the Family Court. They are accordingly decided together. For convenience, the parties are referred to as Anum and Salman.

2. The parties married on 27.06.2007 and have three sons, Saud, Zaid and Emad. Their residence during the marriage was House No.104, 16th Street, Khayaban-e-Muhafiz, Phase VI, DHA, Karachi. Anum instituted Family Suit No.1239/2026 for dissolution of marriage and Civil Suit No.1231/2026 asserting an interest in the house. The Family Court

granted khula on 05.09.2026. The parties' competing proprietary claims remain outside the determination presently required.

3. Anum alleges a course of physical, emotional and psychological abuse, followed by exclusion from the house on 07.09.2026 and retention of her personal effects. Salman denies the allegations, maintains that she left voluntarily, and asserts that her remaining belongings and the children's articles were packed and delivered to her parental residence between 07.09.2026 and 10.09.2026. He also raises a separate claim concerning gold bars allegedly kept in a joint bank locker. Neither version can be accepted as established merely because it has been pleaded.

4. Upon notice and hearing both sides, the Magistrate, by paragraph 8 of the order dated 17.09.2026, restrained Salman from domestic violence, directed preservation of property, valuables, documents, dowry articles, jewelry and other belongings in his possession, and required the SHO, Police Station Darakhshan, to assist implementation. By paragraph 9, however, the Magistrate declined relief regarding personal belongings, observing that Anum had neither established entitlement nor supplied a list or description, and left her to approach the Family Court.

5. Anum challenged paragraph 9 through Criminal Revision Application No.168/2026. The Vth Additional Sessions Judge, Karachi South, by order dated 14.10.2026, set that paragraph aside and directed a fresh reasoned decision after hearing both parties. Criminal Miscellaneous Application No.1192/2026 is Anum's challenge to the remand without immediate effective relief. Criminal Miscellaneous Application No.1204/2026 is Salman's challenge to the same revisional order, principally on the ground that recovery of a wife's personal property belongs exclusively to the Family Court. His separate revision against the protective directions, Criminal Revision Application No.183/2026, was dismissed by the IIIrd Additional Sessions Judge on 28.10.2026; that decision and the original protective order are challenged in Criminal Miscellaneous Application No.1219/2026.

6. Anum's case is that section 11(8) expressly authorizes return of property, valuables and documents, and that supervised identification and retrieval need not determine disputed ownership. Salman contends that the allegations lack particulars and reliable corroboration, that the proceedings are an attempt to obtain leverage in matrimonial and property litigation, and that the orders exceed the Magistrate's jurisdiction. His objections to the breadth of the restraint and to the treatment of his revision as

successive also require consideration. The rival contentions have been considered in light of the record and the governing statutory provisions.

7. Section 28 of the Act applies Chapter XXXII of the Code of Criminal Procedure, 1898, to orders under sections 10 to 13. Section 16 concerns an appeal against conviction under section 15(1); the impugned protective directions are not such a conviction. The proceedings before the Sessions Court were therefore revisional. The present applications under section 561-A cannot be entertained as a second revision merely to obtain another appraisal of disputed evidence. The questions whether an express statutory remedy has been excluded altogether, whether a revision has been rejected on a materially mistaken procedural premise, and whether an operative restraint extends beyond its lawful subject matter nevertheless engage the Court's inherent jurisdiction to prevent abuse and secure the ends of justice. Interference is confined to those questions and their necessary consequences.

8. The definitions in sections 2(1)(a), (e) and (p) extend to persons who are or have been in a domestic relationship. Section 2(1)(h) likewise includes a household in which the aggrieved person has lived in that relationship, irrespective of proprietary title. The admitted matrimonial residence answers that description for the limited purpose of considering relief under the Act. Khula does not erase the former domestic relationship or extinguish the statutory jurisdiction. Equally, that conclusion neither establishes Anum's claimed share in the house nor determines a right to resume permanent occupation.

9. The Family Court's order dated 05.09.2026 rejected the proposed condition that Anum vacate the house in consideration of khula. Her expressed unwillingness to continue the marriage cannot, by itself, be treated as abandonment of her belongings or an adjudication of residential or proprietary rights. Conversely, the khula order is not a decree declaring her ownership or restoring possession. The competing accounts of her departure on 07.09.2026 remain open. For the limited retrieval exercise presently in issue, it is unnecessary to make a conclusive finding of forcible eviction or to order renewed cohabitation.

10. The Act distinguishes immediate protection from penal adjudication. Section 10 permits interim relief on affidavit or other material where the petition prima facie discloses domestic violence or its likelihood; section 11(1) also prescribes a prima facie threshold for a protection order. A conviction under section 6, or for breach under section 15, requires the

procedure and proof applicable to that penal proceeding. An interim protection order is neither a conviction nor evidence that criminal guilt has already been determined. Section 25 makes the Code applicable subject to the Act's special provisions. The Magistrate's statement that the petition was allowed to a specified extent must be read in the context of the section 11 application being decided; it does not dispose of the unresolved substantive allegations.

11. The contention that allegations of abuse first appeared after khula is not borne out in that unqualified form. The earlier khula plaint contains allegations of mental cruelty, humiliation, emotional distress, alcohol and narcotic misuse and aggressive conduct; the civil plaint also alleges psychological suffering and substance misuse. Salman's corresponding pleadings expressly deny those assertions. This comparison establishes that such allegations were previously made, not that they are true. It also does not cure the need for particulars and proof of the subsequently asserted physical assaults.

12. The objections concerning the identity, dates and context of the injury photographs, the absence of contemporaneous medical evidence, the authenticity and completeness of electronic communications, and the parties' competing accounts of their conduct are material to the eventual adjudication. No finding is made that photographs prove an assault, that any depicted substance is a narcotic, or that a pleaded electronic message is an authenticated admission. Nor can production of packed cartons, without reliable identification of their contents and receipt, conclusively establish delivery of every disputed article. The rival assertions require examination by the competent court. The husband's financial provision and the family's affluent circumstances do not, by themselves, establish or disprove domestic violence.

13. The petition identifies the household, the alleged exclusion on 07.09.2026, the asserted retention of essential effects and a claim of apprehended confrontation supported by affidavit. These matters furnish a sufficient provisional basis for personal protection and a narrowly supervised inquiry into remaining belongings. They do not justify unrestricted entry, wholesale removal of household contents, or a final finding against Salman. The protective purpose of the Act requires an effective remedy, while procedural fairness requires that its extent remain proportionate to the material and the relief actually under consideration.

14. In Ghulam Shabbir Kubar v. Mst. Batool, Criminal Miscellaneous Application No.303/2023, decided on 31.05.2023 (2023 SHC KHI 556), this Court recognized that disputed allegations supported by material may proceed to evidence and that the special statutory procedure governs matters expressly covered by the Act. It also held that counseling under section 8 is discretionary. The judgment refers to PLD 2019 Sindh 363[1] on effective magisterial protection. These authorities support meaningful protective intervention upon judicial satisfaction; they dispense with neither statutory conditions nor fair hearing.

15. The decision in Criminal Miscellaneous Application No.842/2024, dated 24.02.2025, turned on its record, including foreign proceedings, absence of supporting medical material and the failure of the material considered there to establish a prima facie case. It does not prescribe medical certification as an indispensable condition for every form of relief under the Act. 2023 P.Cr.L.J.1787[2], relied upon through the supplied report extract, concerned an appeal against acquittal after appraisal of evidence. The evidentiary deficiencies identified there cannot be converted into an automatic jurisdictional bar to provisional protection on a different record. The principle against using criminal proceedings to exert pressure in civil disputes, reflected in 1973 SCMR 373[3], remains applicable; the existence of civil litigation alone does not establish that abuse.

16. The central jurisdictional objection must be examined against the express language of section 11(8): the Court may direct return of possession of property, valuables or documents to which the aggrieved person is entitled. Sections 11(3), (5) and (7) provide additional protective directions and police assistance. Rule 34(1)(c) of the Rules, 2016, expressly contemplates assistance of the Protection Officer in restoring possession of personal effects, including gifts and jewelry, pursuant to the Magistrate's direction. A construction excluding every request concerning a wife's belongings would leave this statutory remedy without meaningful operation in a substantial class of cases to which the Act expressly applies.

17. Section 5 of the Family Courts Act, 1964, read with the relevant entries in its Schedule, confers exclusive jurisdiction over the specified family claims, including dowry and the personal property and belongings of a wife. That jurisdiction must be respected. It does not follow that the

---

[1] Mst. Hina v. Province of Sindh through Secretary Home Department Sindh at Karachi and 4 others
[2] Mst. Sunila Mushtaq v. Babar Hussain and 7 others
[3] Abdul Majid v. Nawab Din

subsequent, express protective power under section 11(8) is unavailable whenever the aggrieved person is a wife or former wife. Section 27 of the Act requires the remedies to operate additionally and harmoniously. The Magistrate may ascertain entitlement to the extent necessary for relief expressly authorized by the Act; this is not an unrestricted jurisdiction to decide every matrimonial property controversy. A comprehensive claim for disputed dowry, valuation, replacement value or proprietary declaration must be pursued before the forum competent to decide it. There can be no double recovery or conflicting execution.

18. The reliance upon PLD 2012 SC 66[4] for the Family Court's exclusive jurisdiction does not answer the distinct operation of the express remedy enacted in 2013. Likewise, the argument drawn from Mahle Engine Components Japan Corporation v. Azam Autos, H.C.A. No.264/2021 and connected appeals, decided on 17.01.2025, concerns the interaction of different intellectual-property statutes. The general proposition advanced from it cannot substitute for construction of the particular provisions before this court. No inconsistency requires one of the present remedies to be extinguished, supervised identification and return upon sufficiently established entitlement can coexist with adjudication of contested family claims. The broader foreign-law analogies in the written submissions are unnecessary to this conclusion.

19. Identification and inventory do not, without more, determine title. Where access has allegedly been denied, insisting upon an exhaustive pre-existing inventory as a condition for permitting identification may defeat the very inquiry required. Nevertheless, Anum must specify the articles claimed as reasonably as possible, and a mere assertion cannot authorize removal. Her statement dated 25.09.2026 identifies, among other things, clothes, medical records and medicines, certificates, books, electronic devices, a memory box, kitchen articles, a coffee machine and gym equipment. Their presence, ownership and prior delivery are not established by the list. Certificates and personal medical documents stand on a different footing from equipment, appliances or valuable jewelry whose entitlement may genuinely be disputed.

20. The revisional court correctly set aside paragraph 9 and restored consideration under the proper statute. Remand was not unlawful merely because Anum had succeeded on a question of jurisdiction; disputed facts remained to be addressed. The order does, however, require practical

[4] Major Muhammad Khalid Karim v. Mst. Saadia Yaqub & others

directions so that consideration of essential effects is not postponed while wider disputes continue. The references in that order to the parties' statements indicate a possible avenue for resolution; they are not a concluded settlement. Neither consent to every claimed article nor waiver of an objection is inferred. Counseling or settlement may be encouraged consistently with the Act, but urgent statutory relief cannot depend upon agreement being reached.

21. There is substance in Salman's objection to the procedural reasoning in Criminal Revision Application No.183/2026. Anum's Revision No.168/2026 challenged paragraph 9; his revision challenged the protective directions in paragraph 8. His opposition to her revision did not, without an adjudication of his separate challenge, turn that revision into a successive revision by the same party. The reasoning to that effect in the order dated 28.10.2026 cannot be sustained. Since that court also examined the merits, and the connected questions are now before this Court, no useful purpose would be served by another remand on that procedural point. The merits of personal protection remain unaffected by the erroneous reasoning.

22. Paragraphs 8(ii) and (iii) of the Magistrate's order are, however, expressed in terms capable of restraining dealings with any property in Salman's possession. Such an indiscriminate restraint is unsupported. It must be confined to identifiable articles claimed by Anum, reasonably connected with the household and the protective proceedings, and ultimately specified under the directions below. It does not freeze Salman's independent assets, determine interests in the Karachi house or Dubai apartment, operate upon the bank locker, or adjudicate the rival claim concerning the alleged 390-plus tolas of gold. Any independent order of a competent court remains governed by its own terms.

23. Accordingly, the following directions shall govern implementation;

    I. Within three working days of receipt of this order, the Magistrate shall fix an implementation hearing, on notice to both parties. Anum shall furnish a reasonably itemized schedule, taking her statement dated 25.09.2026 as a starting point. Salman shall identify the articles admitted to remain, those said to have been delivered with available supporting particulars, and those disputed with brief reasons. The Magistrate shall ascertain and record any relevant order already made in the civil or family proceedings so that execution does not conflict with it.

II. The Magistrate shall arrange one supervised visit to the former shared household within seven days of receipt of this order, through a designated bailiff or other appropriate court officer, assisted by the notified Protection Officer where available. The SHO, Police Station Darakhshan, shall provide necessary assistance, including a female police officer. Anum may attend with her counsel, one nominated adult representative and such packing assistance as the supervising officer permits. Salman may remain represented by counsel or a nominated adult representative. Neither party's absence after adequate notice shall, by itself, prevent implementation.

III. Access shall be confined to rooms and storage places reasonably identified as containing the scheduled articles. There shall be no general search, access to unrelated private papers or inspection of another person's electronic data. The officer shall prepare an inventory stating each article's description, location, claim, response and whether it was delivered, disputed or not found. An article's inclusion is no adjudication of ownership. The parties or their representatives shall be invited to sign; any refusal shall be recorded and shall not invalidate the officer's report.

IV. Articles whose delivery is admitted or agreed may be handed over against an itemized receipt during the visit. Personal identity documents, certificates, medical records, medicines and other claimed essentials shall be separately recorded, and any contested entitlement shall be placed before the Magistrate for a prompt, reasoned order after a short hearing. The supervising officer shall decide no question of title and shall not remove disputed jewelry, gold, appliances, gym equipment, furniture, electronic devices or other disputed articles merely on identification by a claimant. The same safeguards apply to the children's effects, without determining custody, guardianship or ownership on their behalf.

V. Specifically identified disputed articles found at the premises shall be photographed, inventoried and preserved in situ against removal, concealment, damage or disposal pending further reasoned directions of the Magistrate. No bank locker shall be opened and no gold or other valuable seized under this order. If an article is not found, the officer shall record the fact without presuming misappropriation or prior delivery. Genuinely contested family-property claims requiring full adjudication remain open before

the competent forum, without extinguishing the Magistrate's express protective powers.

VI. The visit may occupy reasonable daytime hours fixed beforehand. Any necessary continuation shall be authorized by the Magistrate upon the officer's reasoned report. The request for automatic, continuous access for fourteen days, general delivery of keys or occupation of the premises is declined. Retrieval shall neither create residential possession nor amount to abandonment of any independently asserted right.

VII. The exercise shall be videographed by or under the control of the supervising officer, confined to implementation and kept on the court record subject to appropriate access directions. Neither party shall publish or circulate that recording without leave. Police shall preserve peace and facilitate compliance; they shall neither adjudicate ownership nor use this order for an unrestricted search or seizure. Obstruction or an alleged breach shall be reported promptly to the Magistrate for action in accordance with law, without automatic punishment or a presumption of guilt.

VIII. The officer shall submit the inventory and report within two working days of the visit. The Magistrate shall promptly hear objections, identify the articles to which any continuing preservation order applies and decide outstanding requests under section 11(8) by a reasoned order, ordinarily within fifteen days of receiving the report. The personal protection in paragraph 8(i) and police assistance in paragraph 8(iv) shall continue, subject to section 14. The petition shall proceed expeditiously, keeping section 7(4) in view. No penal finding shall follow solely from these provisional observations. Copies shall be supplied and transmitted in accordance with section 11(9).

24. Consequently, Criminal Miscellaneous Application No.1192/2026 is partly allowed: the order dated 14.10.2026 is maintained insofar as it sets aside paragraph 9, and its remand directions are supplemented by paragraph 23 above; unrestricted retrieval is declined. Criminal Miscellaneous Application No.1204/2026 is dismissed, subject to the jurisdictional limits and safeguards recorded herein. Criminal Miscellaneous Application No.1219/2026 is partly allowed only to the extent that the finding treating Revision No.183/2026 as successive is set aside and paragraphs 8(ii) and (iii) of the order dated 17.09.2026 are modified and confined as specified above; the prayer to quash the domestic-violence petition or vacate

personal protection is refused. The order dated 28.10.2026 stands modified accordingly. All three applications and pending ancillary applications stand disposed of in these terms, with no order as to costs. These observations are provisional and shall not prejudice the independent determination of disputed allegations or rights by the competent court.

Order accordingly.

J U D G E