ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 1011 of 2024

Bilal Ahmed
Versus
The State and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	09.09.2026	Hafiz Liaqat Manzoor Kamboh, Advocate for the petitioner. Mr. Muhammad Ahsan Fiaz, Special Public Prosecutor. Mr. Naveed Iqbal Abbasi, Advocate for respondent No.2. Mr. Tariq Mehmood, S.I along P.S Kirpa, Islamabad along with record.

This petition, preferred under section 561-A of the Code of Criminal Procedure, 1898 **("the Code")**, impugns (i) the judgment dated 03.05.2024 of the learned Additional Sessions Judge-VI, Islamabad (East), whereby the petitioner's criminal revision was dismissed, and (ii) the order dated 09.04.2024 of the learned Judicial Magistrate, Section 30, Islamabad (East), whereby the petitioner's application for superdari of the motor vehicle Honda City, Registration No. AGN-970, Model 2021, Engine No. L13Z17543902, Chassis No. NFBGM1648MR267773 **("the vehicle")**, was declined. The petitioner prays that both orders be set aside and that the vehicle be released to him on superdari.

2. The relevant facts, briefly stated, are as follows. On 08.08.2023, respondent No. 2, Zahid Hussain, lodged F.I.R. No. 378/23 under section 406, P.P.C., at Police Station Kirpa, Islamabad, against respondent No. 3, Muhammad Usama. It is alleged therein that respondent No. 2 purchased the vehicle from respondent No. 3 and thereafter let it out to the latter on a monthly rent; that only three installments of rent were paid and nothing

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thereafter; and that respondent No. 3 thereupon misappropriated the vehicle. The vehicle was recovered by the local police on 02.04.2024 from the possession of respondent No. 5, Muhammad Ahsan Khan, and has since remained in the custody of the said Police Station.

3. On 05.04.2024, the petitioner, claiming to be the registered owner, moved an application before the learned Judicial Magistrate seeking superdari of the vehicle. A report was called from the local police and submitted on 06.04.2024. By order dated 09.04.2024, the application was dismissed. The learned Magistrate noted that the petitioner had produced the original registration card and file of the vehicle, reflecting its transfer in his name; that respondent No. 2 had likewise appeared and produced an original registration card of the same vehicle, together with a purchase slip issued by the concerned showroom, according to which the vehicle stood registered in the name of Crown Electric Store; and that respondent No. 2 had also placed on record a copy of a civil suit instituted by him seeking a declaration of ownership of the vehicle. The learned Magistrate observed that, rival claimants being before the Court, each asserting ownership, the controversy was one of fact which could properly be resolved only by the competent civil court after recording evidence of both sides. It was accordingly directed that the vehicle shall not be delivered to either claimant pending decision of the civil suit.

4. The said order was assailed in criminal revision instituted on 22.04.2024, which was dismissed by the learned Additional Sessions Judge-VI, Islamabad (East), vide judgment dated 03.05.2024. The learned revisional Court held that, both parties claiming ownership on the strength of registered documents, delivery of the vehicle on superdari to either of them could prejudice the interest of the other; that the appropriate remedy for resolution of such a dispute is a civil

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suit for determination of ownership; and that criminal courts are not competent to determine questions of title to, or ownership of, case property.

5. The two rival versions of the transactions by which the vehicle changed hands are material to the determination of this petition and are, therefore, set out at the outset.

Version of the petitioner.

6. The petitioner's version, which finds substantial reflection in the reports of the local police, is that the vehicle was sold by Honda Atlas Cars (Pakistan) Limited, under invoice and sales certificate dated 24.02.2021, to Crown Electric Store, Multan, in whose name it was registered. Respondent No. 3 sold the vehicle on 09.12.2021 to one Badar Munir against a receipt of Punjab Motors, Bani Gala, Islamabad, and delivered the original file to him. Badar Munir sold it on 16.12.2021 to respondent No. 4, Moeen Ilyas Minhas, in whose name it was registered on 08.01.2022. On 02.02.2024, respondent No. 4 returned the vehicle to Badar Munir, who sold it to respondent No. 5, Muhammad Ahsan Khan, who in turn sold it to the petitioner. The vehicle was transferred in the petitioner's name in the office of the Excise and Taxation Officer, Lahore, on 14.02.2024.

Version of respondent No. 2.

7. Respondent No. 2 contends that he purchased the vehicle from respondent No. 3 for a sale consideration of Rs. 27,25,000, against a delivery letter of Punjab Motors bearing Sr. No. 049 dated 30.12.2021, executed by respondent No. 3 as seller, and that he was handed over the registration book (original smart card) of the vehicle along with its master key. He thereafter let the vehicle out to respondent No. 3 on a monthly rent of Rs. 75,000. Three instalments of rent were paid and the remainder withheld. Upon a dispute arising, respondent No. 3 issued cheque No. CA00000001005 dated 25.07.2022 for Rs. 25,00,000, drawn on

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Faysal Bank, Scheme-III, Chaklala, Rawalpindi, which was dishonoured on presentation, whereupon the F.I.R. was registered. It is the case of respondent No. 2 that respondent No. 3, having already sold the vehicle to him, procured its transfer in the name of the petitioner by deceitful means and in connivance with him.

8. The two versions are irreconcilable. According to the petitioner, respondent No. 3 had divested himself of the vehicle on 09.12.2021, approximately three weeks prior to the delivery letter dated 30.12.2021 relied upon by respondent No. 2. According to respondent No. 2, on the other hand, the sale in his favour was genuine and the subsequent transfer of the vehicle fraudulent. Which of the two versions is correct is a question that can be determined only upon evidence.

9. Learned counsel for the petitioner submitted that the impugned judgment and order are the product of misreading and non-reading of the record and have been rendered in disregard of the settled principles governing superdari. It was urged that the petitioner is the registered owner of the vehicle according to the record maintained by the Excise and Taxation Department; that his title is traceable through an unbroken chain of transfers from the first registered owner; and that the entries in such record are entitled to be given effect. Emphasis was laid on the fact that the petitioner is not nominated in the F.I.R., has no nexus with the commission of the alleged offence, and that the vehicle was not taken into possession from him.

10. It was next contended that the claim of respondent No. 2 is illusory and unsupported by any valid ground; that respondent No. 3 was neither the owner nor in possession of the vehicle on the date of the transaction set up by respondent No. 2, so that the element of entrustment, which constitutes the very foundation of an offence under section 406, P.P.C., could never arise; and that the courts

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below failed to advert to the police report which, having once been called for, could not have been ignored. It was further contended that the civil suit was instituted by respondent No. 2 merely to defeat the superdari and to convert a criminal matter into a civil dispute as to title.

11. Lastly, it was submitted that a motor vehicle is subject to deterioration and depreciation with the passage of time and that, superdari being only an interim custody subject to the final determination of the competent court, the vehicle ought not to be left in the police station for an indefinite period while the civil proceedings remain pending.

12. Learned counsel for respondent No. 2 controverted these submissions. He submitted that respondent No. 2 holds the original registration book (master smart card) of the vehicle as well as the receipt of the sale consideration paid by him, both of which have been brought on the record of this Court through C.M. No. 592 of 2024; that the transfer in favour of the petitioner was procured in February 2024, i.e., some six months after registration of an F.I.R. concerning this very vehicle, and cannot be portrayed as an innocent transaction; and that ownership of the vehicle is the subject matter of the suit for declaration, possession and permanent and mandatory injunction pending before the learned Senior Civil Judge, Islamabad (East). It was argued that the petitioner invites this Court, in exercise of its inherent jurisdiction, to decide the very question that is sub judice before the civil court.

13. Learned State Counsel adopted the submissions of learned counsel for respondent No. 2 and added that the vehicle constitutes case property in a criminal case; that two concurrent orders have been passed by the courts below upon a correct appreciation of the law; and that no case for interference under section 561-A of the Code is made out.

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14. The proceedings before this Court merit notice. Notice was issued to the respondents vide order dated 10.06.2024. Since the controversy turned upon the identity of the true purchaser of the vehicle from its first registered owner, this Court, by order dated 15.05.2025, observed that the Investigating Officer had not conducted the investigation properly, and directed the Sub-Divisional Police Officer, Kirpa Circle, Islamabad, to investigate the matter personally, examine the record, record the statement of the proprietor of Crown Electric Store, and apprise this Court as to who was the actual purchaser of the vehicle. The report of the Deputy Superintendent of Police, Kirpa Circle, Islamabad, was placed before this Court on 10.12.2025.

15. The said report discloses a further account of the transactions in respect of the vehicle. Upon inquiry, Khalid Hussain, proprietor of Crown Electric Store, stated that he had sold the vehicle to one Ali Sarwar Baggat for Rs. 29,00,000 and had delivered to him all its documents. Ali Sarwar Baggat, upon inquiry, stated that he had sold the vehicle to one Mian Shoaib for Rs. 30,00,000. Mian Shoaib, in turn, stated that he had sold the vehicle to respondent No. 3 for Rs. 33,00,000; that he had sold two other vehicles to him in the course of their dealings; that he had handed over the original documents on trust; and that respondent No. 3 had defrauded him as well and had not paid him his money. The report further records that the vehicle presently stands in the name of the petitioner in the record of the Excise Department, and that the original documents and file are with him; however, respondent No. 2 is also in possession of a registration card of the same vehicle, which was issued earlier and lapsed upon issuance of the second.

16. I have heard learned counsel for the petitioner, learned counsel for respondent No. 2 and learned State Counsel, and have perused the record, the reports submitted by the local police, the

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inquiry report of the Deputy Superintendent of Police and the applicable law.

17. Before the record is examined, it is necessary to consider the jurisdiction invoked by the petitioner and the law governing interim custody of property claimed by rival parties. These questions are central to the determination of this petition.

18. The jurisdiction invoked must be considered first, as it determines the scope within which this petition may be examined. Section 561-A provides:

> *"**561-A. Saving of inherent power of High Court.—** Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."*

19. A plain reading of the provision shows that it does not confer any new jurisdiction upon the High Court; it merely saves the inherent power already vested in it. The section does not enlarge the jurisdiction otherwise conferred by the Code.

20. The provision identifies three purposes for which inherent power may be exercised, namely, to give effect to an order passed under the Code, to prevent abuse of the process of any Court, and to secure the ends of justice. These purposes delimit the jurisdiction, which cannot be extended beyond the scope of the provision. Section 561-A, therefore, does not vest the High Court with unfettered power.

21. Two consequences follow. First, section 561-A cannot be invoked to override an express statutory limitation. Second, it does not authorise the High Court to determine disputed questions of civil title in summary criminal proceedings. The power nonetheless

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remains available, in an appropriate case, to prevent abuse of the process of a Court or otherwise to secure the ends of justice.

22. In the present case, the petitioner first approached the learned Judicial Magistrate and thereafter challenged the order in revision before the learned Additional Sessions Judge. Having exhausted that remedy, he has now invoked the inherent jurisdiction of this Court under section 561-A. The said provision does not furnish a further appeal or revision merely because a party remains dissatisfied with the outcome. The question is whether the impugned orders disclose an abuse of process or a failure of justice warranting exercise of the inherent power. A contrary view would enable a party to circumvent the finality attached by the Code to an order passed in revision by repeatedly invoking the inherent jurisdiction of the High Court. The Supreme Court has cautioned against such an approach. In Ali ***Gohar v. Pervaiz Ahmed*** **(PLD 2020 SC 427)**, it was held, "*the remedy under Section 561-A, Cr.P.C. is not an alternate and or substitute for an express remedy as provided under the law…*"

23. The same principle finds expression in other decisions. In ***Muhammad Channah v. Province of Sindh*** **(2011 P.Cr.L.J. 952)**, it was held that inherent jurisdiction is neither an alternative nor an additional jurisdiction and cannot be exercised in a manner that interrupts or diverts the ordinary course of criminal procedure prescribed by law. In ***Ghafoor Aslam v. The State*** **(2009 P.Cr.L.J. 1108)**, it was held that the jurisdiction under section 561-A, though wide, remains subject to the limitations imposed by law and cannot be invoked to bypass the express provisions of the Code. Likewise, in ***Gulam Mustafa v. The State*** **(1999 YLR 1616)**, it was held that the jurisdiction under section 561-A is extraordinary and must be exercised sparingly, and that the High Court cannot

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assume the role of the trial court by evaluating or assessing evidence.

24. In ***Emperor v. Khwaja Nazir Ahmad*** **(AIR 1945 PC 18)**, while considering the extent to which inherent jurisdiction under section 561-A could be invoked to interfere with the statutory functions of the police, the Judicial Committee observed that it would be an unfortunate result if statutory rights could be interfered with through the exercise of inherent jurisdiction. The decision further emphasises that the respective functions of the judiciary and the police are complementary and not overlapping. The principle applies with equal force where inherent jurisdiction is invoked to circumvent a statutory scheme or to exercise a jurisdiction not otherwise conferred by law.

25. It follows that the jurisdiction under section 561-A cannot be invoked to resolve disputed questions of fact which require examination of evidence. Where the material produced by the parties calls for determination through pleadings, evidence and cross-examination, such questions cannot appropriately be decided in proceedings under section 561-A. This holds good whether the disputed fact concerns the guilt of an accused or the ownership of a motor vehicle. In ***Shah Jahan Alamgir Shahanshah, Advocate v. Muhammad Sharif*** **(1989 P.Cr.L.J. 374)**, the limitations on invoking section 561-A to challenge concurrent findings of the courts below were considered. Concurrence alone, however, does not preclude interference where the statutory grounds for exercise of the inherent power are made out.

26. In view of these limitations, I turn to the grounds urged in the petition and the relief sought. The petitioner contends that respondent No. 3 was neither the owner nor in possession of the vehicle when he dealt with respondent No. 2 and, therefore, could neither have sold the vehicle to him nor received it back on rent in

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the manner alleged. The petitioner further contends that the transfer in his favour was lawful and that all requisite legal formalities were duly completed. These are disputed questions of fact, each contested by respondent No.2 and forming part of the controversy pending before the learned civil court. Acceptance of the petitioner's assertions would require this Court, on the basis of affidavits and the summary material produced in the superdari proceedings, to determine the very questions pending adjudication before the civil court. Section 561-A cannot be invoked for that purpose. Its jurisdiction is confined to the purposes specified in the provision and cannot be employed as an appellate or revisional jurisdiction to resolve disputed questions of fact.

27. I now turn to the power which the courts below were called upon to exercise. Section 516-A, under which the application was moved, provides, in its relevant part:

> *"**516-A. Order for custody and disposal of property pending trial in certain cases.—** When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of."*

28. The expression superdari does not appear in the Code. It is the nomenclature which practice has assigned to the interim custody of seized property, delivered to the person entitled to its possession against a bond for its production whenever required. Where the property has come before a criminal court in the course of an inquiry or trial, the power is the one conferred by section 516-A. Where it has been seized by the police and its seizure reported to the Magistrate without any inquiry or trial having commenced, the

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power is the one conferred by section 523. An order of interim custody remains subject to further lawful orders. Section 517 governs disposal upon conclusion of an inquiry or trial, whereas section 523 governs the Magistrate's response to a reported police seizure within its terms. In ***Amjad Ali Khan v. The State and others*** **(PLD 2020 SC 299)**, the Supreme Court stated the general legal position in the following terms:

> *"Under the scheme of general criminal law, a vehicle seized by the Police and having become case property, can be released on custody (superdari), during the trial, under sections 516-A or an order be made for its disposal to the person entitled to its possession by the Magistrate under section 523 of the Cr.P.C."*

29. Three features of this power bear upon the present case. The first is that an order of interim custody is provisional and interlocutory in nature. It is made to safeguard the property from deterioration pending conclusion of the proceedings. It does not determine title and may be varied upon a change in circumstances or superseded by the final order of disposal. Even where property is delivered to one of several claimants, the order determines only the immediate right to possession and does not adjudicate upon ownership.

30. The second is that the immediate question is entitlement to interim possession, and not final adjudication of ownership. The question is which claimant, on the material before the Magistrate, has the better right to possess the property for the time being. Ownership may be relevant to that determination, but it is not the issue to be finally adjudicated. The Magistrate may, therefore, proceed on the basis of the police report and the material placed before him after affording the rival claimants an opportunity of hearing, without embarking upon a trial of civil title.

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31. The third, and for present purposes the most important, is that an order of custody does not finally determine disputed civil title. Determination of ownership of property belongs to the civil court. In ***Central Co-operative Bank Ltd., Sargodha v. Ahmad Bakhsh*** **(PLD 1970 SC 343)**, the Hon'ble Supreme Court held that a question of title to property is hardly desirable to be decided in proceedings for disposal of property under the Code, such a question being one for determination by an ordinary civil court of competent jurisdiction. The observation of the learned Additional Sessions Judge must be understood in this limited sense; it does not absolve the criminal court of its duty to determine interim custody.

32. Where rival claimants assert competing rights, the criminal court must distinguish a provisional assessment of entitlement to possession from a final determination of title. A bona fide dispute as to ownership may require adjudication by the civil court, but its existence does not, by itself, bar release on superdari. The court must assess the material bearing on interim possession and the safeguards necessary to preserve the property. The authorities cited in this context, ***Ghulam Nabi v. The State*** ***(PLD 1961 Lahore 205)*** and ***Mehtar Yousaf v. The State*** **(PLD 2004 Peshawar 91)**, must be read with this distinction in view.

33. In ***Central Co-operative Bank Ltd.*** (supra), the dispute concerned currency notes and their disposal under section 517. The decision supports leaving a bona fide dispute of title to the competent civil court. It does not lay down any automatic rule requiring every disputed vehicle to be retained in police custody until a civil suit is decided.

34. Two qualifications must, however, be noted at this stage. They constitute the other side of the same rule and are relevant to the petitioner's case to the extent applicable.

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35. The first is that the criminal court cannot abdicate its duty to decide the application. Declining to deliver disputed property to either of two rival claimants is different from refusing to decide the application or deferring it indefinitely pending the civil suit. The former is a determination of the immediate right to possession; the latter amounts to a refusal to exercise jurisdiction. In the present case, the learned Judicial Magistrate heard both claimants, considered the documents produced by them and the police report, and declined release in view of the competing claims. He consequently directed that the vehicle remain in its existing custody pending adjudication of title by the civil court. The application was thus decided. Whether refusal of interim custody was justified must nonetheless be examined on the material relevant to possession; the pendency of the civil suit alone is insufficient.

36. The second qualification is that property is not to be left to perish. Where the seized article is of a wasting character, the court must remain vigilant, and section 516-A itself empowers the court, where the property is subject to speedy or natural decay, to order its sale or other disposal after recording such evidence as it considers necessary. I shall revert to this consideration before parting with the judgment.

37. With the law so stated, I turn to the record. The inquiry is twofold: first, whether ownership of the vehicle is seriously disputed; and second, if so, whether the petitioner has nevertheless established a superior right to possession warranting interference with the orders of the courts below.

38. As to the first limb, the record establishes a genuine dispute as to ownership. Both sides rely upon documentary material in support of their respective claims.

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39. To begin with, there are two registration cards of the same vehicle on the record. The petitioner produced before the learned Judicial Magistrate an original registration card showing the vehicle transferred to his name on 14.02.2024, together with its file. Respondent No. 2 produced before the same court an original registration card of the same vehicle, bearing the same chassis and engine numbers, in which the registered owner is shown as Crown Electric Store, together with the showroom's purchase slip. The report of the Deputy Superintendent of Police confirms that respondent No. 2 holds such a card and states that it is the earlier of the two. As noted in paragraph 15, the report also states that the earlier card lapsed upon issuance of the later one. Possession of the earlier card, therefore, cannot, without more, be equated with a subsisting registration in favour of respondent No. 2. Its evidentiary value must be assessed together with the remaining material.

40. Next, the accounts of the successive transactions call for examination. The petitioner relies upon the transactions described in paragraph 6, namely, the sale by respondent No. 3 to Badar Munir, the subsequent sale to respondent No. 4, the return to Badar Munir, and the onward sales through respondent No. 5 to the petitioner. The chain disclosed by the inquiry of the Deputy Superintendent of Police runs from Crown Electric Store to Ali Sarwar Baggat, from him to Mian Shoaib, and from Mian Shoaib to respondent No. 3. These accounts require reconciliation, particularly as regards respondent No. 3's acquisition of the vehicle and his subsequent dealings. The statement of the proprietor of Crown Electric Store supports the account recorded in the inquiry report, whereas the petitioner relies upon the departmental transfer record. The competing chains thus raise disputed questions of fact requiring determination on evidence.

41. Furthermore, there are two different accounts of the very transaction out of which the F.I.R. arose. Respondent No. 2 asserts

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a purchase for Rs. 27,25,000 evidenced by the delivery letter dated 30.12.2021, followed by a letting back to his own vendor, payment of three instalments of rent, cessation of payment, issuance of a cheque for Rs. 25,00,000 and its dishonour. The petitioner asserts that respondent No. 3 had sold the vehicle to Badar Munir three weeks earlier and had by then parted with the original file, and therefore could not have effected the sale and the subsequent rental arrangement alleged by respondent No. 2. Mian Shoaib, for his part, has told the Deputy Superintendent of Police that respondent No. 3 defrauded him in the same manner. These competing accounts raise disputed questions of fact which cannot be resolved in the present proceedings.

42. The dates appearing in the record are also inconsistent. The rent agreement is described as dated 31.12.2021 in the memorandum of criminal revision, as dated 01.01.2022 in the application under C.M. No. 592 of 2024, and as dated 30.01.2022 in the judgment of the learned revisional court. These discrepancies need not be resolved in the present proceedings.

43. I hold, therefore, that ownership of the vehicle is seriously disputed; that both rival claims are supported by documentary material; and that the dispute is already pending adjudication before the learned Senior Civil Judge, Islamabad (East), in the suit for declaration, possession and permanent and mandatory injunction instituted by respondent No. 2. That conclusion does not, by itself, dispose of the distinct question of entitlement to interim possession, which is considered below.

44. As to the second limb, the petitioner relies principally upon the entry in the record of the Excise and Taxation Department. That entry is relevant and carries evidentiary weight, but it does not, in the circumstances of the present case, establish a superior right to possession. This is so for three reasons.

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45. The first reason is that the entry was made on 14.02.2024, approximately six months after registration of the F.I.R. concerning the vehicle on 08.08.2023. The transfer was thus recorded while criminal proceedings in respect of the vehicle were already pending, and is itself the subject matter of challenge before the civil court. Respondent No. 2 has specifically pleaded that the transfer was procured by deceitful means and in connivance with respondent No. 3. Whether that allegation is correct is a matter for determination by the competent civil court, and I express no opinion thereon. The fact that the validity of the transfer itself is disputed, however, prevents the subsequent registration entry from being treated as conclusive of the petitioner's right to possession in these proceedings. In **Amjad Ali Khan** (supra), the Hon'ble Supreme Court also cautioned against changes in the title of a vehicle after it has been seized and has become case property, as such changes may prejudice the proper administration of criminal justice. That caution must be distinguished from the chronology here: the transfer dated 14.02.2024 preceded the seizure dated 02.04.2024. Registration of the F.I.R. alone does not establish that the transfer was unlawful.

46. The second reason is that the petitioner was not in possession of the vehicle when it was seized and, on the record, had ceased to be its holder the day before. The police report dated 06.04.2024 and the inquiry report of December 2025 both record that the petitioner sold the vehicle back to respondent No. 5, Muhammad Ahsan Khan, on 01.04.2024, and that the local police took it from the possession of respondent No. 5 on 02.04.2024. The petitioner's own memorandum of petition also states that the vehicle was seized from the possession of respondent No. 5. The petitioner, therefore, cannot rely upon actual possession in support of his claim to superdari. Respondent No. 5, although he appeared before this Court in person on 15.05.2025, has laid no claim to the vehicle whatsoever.

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47. The third reason follows from the second. A claimant who asserts ownership of a vehicle which was in the hands of another when seized by the police is expected to explain how that came about. The observations in **Amjad Ali Khan** (supra) concerning an owner's explanation for another person's possession arose in the context of the Control of Narcotic Substances Act, 1997. In the present case, the material question is the effect of the reported resale upon the petitioner's asserted subsisting right to possession. The petitioner has offered no explanation for the sale dated 01.04.2024. He has not stated whether the sale was completed, whether consideration was received, whether it was rescinded, or on what basis he now asserts a subsisting right to possession. The petition proceeds without addressing the legal effect of that transaction on his present claim to possession.

48. Taking these matters together, the record shows that the petitioner is a registered owner whose registration is itself under challenge in a pending suit, who was not in possession when the vehicle was seized, and who had parted with it to a person who does not claim it. Respondent No. 2, on the other hand, relies upon an earlier registration card, a receipt for substantial sale consideration, and a pending suit for a declaration of title. In these circumstances, the petitioner has not shown that refusal to release the vehicle to him warrants interference under section 561-A. No final determination of respondent No. 2's entitlement is necessary for that conclusion. The petitioner has, therefore, failed to establish a superior right to possession.

49. The impugned orders, accordingly, disclose no illegality or irregularity warranting interference by this Court. Subject to the qualifications stated above, no ground has been made out for directing release to the petitioner in exercise of the inherent power saved by section 561-A of the Code.

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50. That, however, is not the end of the matter. One submission advanced on behalf of the petitioner carries weight. The vehicle has remained in the parking area of Police Station Kirpa since 02.04.2024 and, being a motor vehicle, is liable to deterioration if kept there for a prolonged period. The existence of competing claims does not justify allowing the vehicle to deteriorate while the dispute remains pending. The Code does not contemplate that seized property should be left to deteriorate during the pendency of proceedings, and the superior courts have repeatedly cautioned against a technical approach which results in valuable property being left exposed to deterioration in police custody.

51. In order to address this difficulty and to preserve the vehicle pending determination of the parties' rights, the Station House Officer, Police Station Kirpa, Islamabad, shall ensure that the vehicle is kept under proper shelter, protected from the elements, and secured against any removal or pilferage of its parts. The learned court exercising jurisdiction over the case property shall supervise compliance with this direction and shall remain competent to reconsider the arrangements for custody upon a material change in circumstances, after hearing the interested parties.

52. Nothing stated in this judgment shall be construed as an expression of opinion on the merits of the civil suit, on the ownership of the vehicle, or on the guilt or innocence of any person in the case arising out of F.I.R. No. 378/23. The learned Civil Court and the learned trial court shall proceed uninfluenced by the observations herein, which have been made solely for the limited purpose of examining the legality of the orders impugned.

53. C.M. No. 592 of 2024, whereby respondent No. 2 sought leave to place additional documents on the record of this petition, is allowed, the said documents having been considered in the manner indicated above. C.M. No. 350 of 2025, whereby deletion of the

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name of respondent No. 4 from the array of respondents was sought, does not require separate determination in view of the disposal of the main petition and stands disposed of accordingly.

54. For the foregoing reasons, the petition is **dismissed**, subject to the directions and qualifications contained in this judgment. This dismissal shall not be construed as an absolute bar to any subsequent lawful order regarding custody or disposal of the vehicle by the competent court.

(AYYAZ SHAUKAT)
JUDGE

Announced in open Court on **05.10.2026.**

JUDGE

Approved for reporting.

Saeed.

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