

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR  
Cr. Misc. Appln. No.S- 582 of 2020

Date	Order with Signature of Hon’ble Judge
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**For hearing of main case**  
(notice issued)

**07.12.2020**

Mr. Shamsuddin Ghanghro Advocate for the Applicant  
Mr. Abdul Rehman Kolachi, DPG for the State

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**Aftab Ahmed Gorar, J:-** The applicant by way of instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C has impugned the order dated 06.10.2020 passed by learned Ex-Officio Justice of Peace/ Additional Sessions Judge Mirwah, whereby he has dismissed the application under Section 22-A and 22-B Cr.P.C.

2. The facts in brief necessary for disposal of instant criminal miscellaneous application are that on 31.07.2020 at 10:30 am, the private respondents namely Niaz Hussain, Sakhawat, Ghulam Fareed, Nazeer Hussain, Abdul Qadeer, all with Iron rods, Sanaullah, Zulfiqar and Zaib Hussain with pistols and Saeed Hussain with guns intruded into their house and on the instigation of private respondent Sakhawat Hussain; the private respondent Niaz, Ghulam Fareed, Nazeer Hussain and Abdul Qadeer caused iron rod blows to him and his uncle Manzoor, Ali Gulab and his father Muhammad Ehsan, the children raised cries, on which private respondents loaded their weapons and asked them to remain silent, whereas private respondent Zulfiqar forcibly snatched touch cellphone of Oppo from

the applicant. Thereafter all the private respondents escaped away, the applicant then approached the police for recording of his FIR, it was not recorded by the police and he then by way of filing an application u/s 22-A and B Cr.P.C sought for direction against SHO P.S Bozdar Wada to record his FIR against the private respondents which was dismissed vide impugned order by the learned Ex-Officio Justice of Peace, Mirwah.

3. It is contended by learned counsel for the applicant that the private respondents duly armed with Pistols and Guns and Iron rods intruded into the house of the applicant and have caused injuries to four persons including the applicant so also forcibly snatched Oppo Cellphone from him; that the learned Ex-Officio Justice of Peace did not consider the facts as narrated by the applicant and has dismissed his application without any reasonable ground. He lastly prayed for setting-aside of the impugned order and issuing necessary directions to the SHO Police Station Bozdar Wada for recording his statement.

4. Learned DPG for the State supported the impugned order and prayed for dismissal of the instant Criminal Miscellaneous Application by contending that the impugned order is well-reasoned.

5. I have considered the above arguments and perused the record. As per report furnished by the DSP Complaint Redressal Cell Khairpur, the parties are on inimical terms over the dispute of plot. The applicant claims to be injured of the incident which took place on 31.07.2020, for which the FIR bearing Crime No.41/2020 under Sections 376, 511, 337-A, 337-F(i), 147, 148, 506/2 PPC has already been registered at Police Station Bozdar Wada by one Asadullah, the relative of the applicant, whereas, for the same incident, the

applicant is seeking direction for registration of his separate FIR, which is not permissible under the law. In such a situation, it would be a futile exercise to issue direction for registration of second FIR of the same incident for which FIR has already been registered. In this respect, reliance is place upon the case of **Mst. Sughran Bibi vs. The State (PLD 2018 Supreme Court 595)**, wherein the Honourable Supreme Court of Pakistan has been pleased to hold that ordering registration of another FIR based upon the petitioner's version of that very incident is not legally warranted.

6. In view of the above, the impugned order dated 06.10.2020 passed by learned Ex-Officio Justice of Peace/ Additional Sessions Judge, Mirwah is well-reasoned and does not call for any interference by this Court. It is maintained. Consequently, the instant Criminal Miscellaneous application is dismissed.

Judge