

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Cr. Misc. Appln. No.S – 701 of 2020

Date	Order with Signature of Hon’ble Judge
------	---------------------------------------

Hearing of case

- 1. For orders on office objection at flag ‘A’
- 2. For hearing of main case
(Letter issued for comments)

08.03.2021

Mr. Alam Sher Bozdar Advocate for the Applicant
Mr. Muhammad Hamzo Buriro Advocate for proposed accused
Mr. Khalil Ahmed Metlo, DPG for the State
>>>>>>...<<<<<<<<

The applicant by way of instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C has impugned the order dated 17.11.2020 passed by learned Ex-Officio Justice of Peace/ 2nd. Additional Sessions Judge, Naushahro Feroze, whereby he has dismissed the application under Section 22-A and 22-B Cr.P.C, filed by the present applicant.

- 2. Heard learned counsel for the private parties as well as learned DPG for the State.
- 3. The perusal of the record reflects that the applicant and the proposed accused being related to each other and on the date of alleged incident, they were available in the marriage ceremony of their relative. The women folk of both the parties fought with each other over some petty matter. One of the proposed accused namely Nadeem succeeded in lodging the FIR bearing Crime No.65/2020 at Police Station Bhiria, whereas, the FIR of the present applicant was

not lodged, though there was counter fight between the ladies of both the parties. The statement of the applicant should have been recorded regarding the incident took place in the marriage ceremony to the extent of injuries, if any, caused to the injured persons / ladies from applicant side by excluding the exaggerating fact of abduction and attempting to commit zina, etc. Consequently, the impugned order dated 17.11.2020 is set-aside. Respondent No.1 / SHO Police Station Bhiria Road is directed to record statement of applicant and if from her statement a case of cognizable offence is made out, then register the F.I.R in accordance with law. The applicant is directed to approach the SHO Police Station Bhiria Road within three days after receipt of this order. The instant Criminal Miscellaneous Application is allowed in the above terms.

Judge

ARBROHI