

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1898 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of M.A. No. 6392/2011

For hearing of main case

02.11.2021

Mr. Mazhar Hussain Kalwar advocate for petitioner.

Mr. Muhammad Ismail Bhutto, Addl. A.G Sindh.

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Petitioner registered an FIR No.13/2011, U/s 395, 427, 148, 149, 114, 337-L(ii) P.P.C. at P.S Gupchani against accused on 15.05.2011 nominating at least 11 accused besides unknown accused of equal number for committing robbery from him. In investigation, however, the case was found false and disposed of in 'B' class. Because it was found that the nominated accused were his opponents in civil litigation which they had won upto the Honourable Supreme Court and in execution proceedings had obtained possession of the land from petitioner. And that the petitioner only in order to settle the score, feeling aggrieved by the fact of departing his possession of the land in favour of the accused, had registered FIR against them. Then, I.O. submitted such report u/s 173 Cr.P.C. before learned Magistrate concerned. Petitioner appeared there and contested the matter but failed. Resultantly the impugned order was passed whereby the report was accepted by the learned Magistrate.

We have heard the parties and perused material available on record. No tangible proof or material has been pointed out by learned counsel for petitioner which may justify intervention by this Court under constitutional jurisdiction to form a different opinion and set aside the impugned order. The matter was thoroughly investigated not only by the I.O. but also attended to deeply by the learned Magistrate where petitioner was afforded a full opportunity of hearing to produce evidence in support of allegations leveled by him against the accused but he failed. The accused were his opponents in civil litigation and had succeeded in getting possession of the land from him through execution proceedings after winning the case from the Honourable Supreme Court. The petitioner apparently in order to take revenge from them filed a false case by moving an application u/s 22 A & B Cr.P.C. No illegality is found in the impugned order. Resultantly, this petition is dismissed along with listed application.

JUDG

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Ali Haider