

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Appln. No.S- 312 of 2024

Hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case
3. For hearing of MA No.2688/2025 (S/A)

29.07.2025

M/s Achar Khan Gabol and Ghulam Ali Bozdar,
Advocates for the Applicant
Mr. Muhammad Raza Katohar, Deputy PG for State

ORDER

Through the instant Criminal Miscellaneous Application, the applicants/proposed accused have impugned the order dated 31.05.2024, passed by the learned Sessions Judge/Ex-Officio Justice of Peace, Naushahro Feroze, whereby the application under Sections 22-A and 22-B, Cr.P.C., filed by the private respondent seeking directions against the SHO for registration of his FIR in respect of a cognizable offence, was allowed.

2. On notice of this Court, the private respondent, Ghayasuddin Rind s/o Allah Bux Rind, appeared on 16.09.2024 and 17.10.2024 and had sought time to engage counsel. Subsequently, repeated notices were issued against him. Ultimately, on 17.07.2025, Respondent No.2/SSP Naushahro Feroze submitted a report stating that notice had been duly served upon Respondent No. 5; even then, he did not turn up to pursue the matter.

3. Learned counsel for the applicants/proposed accused drew the attention of the Court to the written statement filed by DSP (Complaint Redressal Cell), Naushahro Feroze, dated 01.07.2024. It is stated therein, in paragraph 2, that Respondent No. 5, namely Ghayasuddin Rind, appeared before the SHO of Police Station Mehrabpur, where his statement was recorded. In the said statement, he declared that he has resolved the matter with the proposed accused and, therefore, does not wish to proceed with registration of any criminal case or FIR, in compliance with the order passed by the learned Sessions Judge/Ex-Officio Justice of Peace, Naushahro Feroze.

4. Learned Deputy Prosecutor General appearing for the State did not controvert the aforementioned position and conceded that since the statement of Respondent No.5 has been recorded by the concerned SHO of Police Station Mehrabpur and he has expressed his unwillingness to register any FIR, he has no objection if the impugned order is set aside.

5. In spite of notices served on the respondent no.5, Ghayasuddin Rind, no intimation has been received from him, and no one has appeared on his behalf. On 21.07.2025, this bench passed caution notice to the said private respondent that in case, no one appears on behalf of the respondent no.5, this Court will proceed with the matter and decide the case as per law. Once again, none are present on behalf of the said private respondent and no intimation is received. Perhaps the respondent no.5 has lost interest in this lis and true to the Statement filed by the SSP in this case, Ghayasuddin is neither interested in defending this matter nor pursuing the favorable Order from the Ex-Officio Justice of Peace to proceed to the concerned P.S. to record his Statement. Clearly, this Court cannot wait endlessly for the presence of respondent no.5.

6. In view of the above position, since the statement of respondent No.5 has been recorded by the concerned SHO wherein he has stated that he does not wish to register FIR in compliance with the impugned order, accordingly, the impugned Order dated 31.05.2025 is hereby set aside.

Instant Criminal Miscellaneous Application is allowed in the above terms along with the listed application(s).

Judge