

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Misc. Application No.S-233 of 2025

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF HON'BLE JUDGE</u>
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- 01.For orders on office objection "A"
- 02.For hearing of main case.

25-08-2025

Mr. Sajid Hussain Mahessar , Advocate for the applicant.
Mr. Abdul Rehman Bhutto, Advocate for the respondent
No.1
Mr. Nazeer Ahmed Bhangwar, Deputy Prosecutor
General for the State.

The applicant has challenged the order dated 25-06-2025 passed by the court of learned Sessions Judge/Justice of Peace, Kashmore @ Kandhkot, wherein Cr. Misc. Application No.777/2025 filed by the applicant was dismissed.

Mr. Sajid Hussain Mahessar, learned counsel for the applicant contends that the accused have occupied the graveyard and dismantled the graves of elders of the applicant and on reprimand, they attacked the applicant party at their home and threaten them if they obstructed the accused, they will commit their murder. He submits that from the narration so made an offence cognizable in nature was made but learned justice of peace declined the request of the applicant although the police report was in favor of the applicant.

Mr. Abdul Rehman Bhutto effecting appearance on behalf of the proposed accused Arbelo, submits that no such offence has taken place and the Government has sanctioned the homes to the proposed accused which they intend to construct in the village and the applicant party are causing hindrances, therefore, the application was

filed before the court of learned Justice of Peace. There is no illegality or infirmity in the impugned order and it is within the premise of law.

Mr. Nazeer Ahmed Bhangwar learned Deputy Prosecutor General supports the impugned order and submits that no cognizable offence was made out from the contents in the memo of application u/s 22-A Cr.P.C, therefore, learned Justice of Peace rightly declined the application.

Heard learned counsels for the parties and perused material available on record.

The allegation of offence in the memo of application in para No.6 is regarding threats which per definition contained u/s 503 PPC were not attracted in the given circumstances. The learned Justice of Peace has rightly exercised its jurisdiction refusing to direct the concerned SHO for recording FIR.

No doubt the provisions of 154 Cr.P.C were mandatory in nature and SHO on approach by applicant party cannot refuse to record statement but in the circumstances when the parties were on disputing terms and intended to drag each other before the courts of law due to a dispute over a piece of land. They cannot be given free hand to waste the court's time and instead of doing their own business wander before the courts of law. No infirmity has been detected in the impugned order, therefore, this application merits no consideration is hereby dismissed.

JUDGE