

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

Criminal Miscellaneous Application No.S-313 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
1.	For orders on office objections.
2.	For hearing of main case.

14.02.2025

Ms. Sana Memon, Assistant Prosecutor General, Sindh.
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1. This is an Application challenging the Order passed by the Ex-Officio Justice of Peace, thereby rejecting Applicant’s Application u/s 22-A & B Cr.P.C. for lodging FIR against the private Respondents. Learned APG raises objection to the instant application on multiple grounds.
2. In view of the growing tendency of filing frivolous and vexatious applications, the principles settled in the cases reported as 2024 SCMR 985, 2021 SCMR 468, 2020 SCMR 2037, PLD 2005 Lahore 470 and 1991 P.Cr.L.J 1125, are that the applications u/s 22-A & B Cr.P.C shall not be decided in a mechanical manner, but all relevant factors must be taken into consideration including *inter alia*, the relationship between the parties, the transaction if any between the parties, the past animosity if any, the nature of the dispute including pendency of any civil or criminal proceedings and possible ulterior motives for filing such applications. On the other hand, the inherent powers of the High Court under section 561-A Cr.P.C are intended to prevent abuse of the process and to secure the ends of justice. While carefully applying the above principles to the facts of the present case and after going through the record with the assistance of the learned APG, it appears that there is relationship between the parties with respect to a civil dispute pertaining to money transaction and apparently that the applicant has initiated these proceedings under ulterior motives and intends to convert such civil dispute into a criminal one. In the present case, initiation of proceedings under section 22-A & B Cr.P.C was apparently under ill motives and therefore in order to secure the ends of justice, such frivolous and vexatious proceedings, as directed by the Supreme Court in the cases referred *ibid*, are liable to be discouraged. The order passed by the Ex-Officio Justice of Peace appears to be well reasoned and within the parameters of law and all surrounding circumstances have been considered therein. In view of the above, the application, being devoid of merits, is dismissed.

JUDGE