

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No.1143 of 2024

1. FOR HEARING OF CASE
2. FOR HEARING OF MA NO.25687/24

22.9.2025

Mr. Muhammad Arif Sheikh, advocate for applicant Ejaz ul
Hassan Khan s/o Rahat Khan
Ms. Seema Zaidi, Addl. P.G. Sindh

It is contended that in fact two C-class reports have been submitted by the I.O. In the first C-class report of the I.O., learned Judicial Magistrate, Karachi East has declined C-class report vide its Order dated 21.01.2021 and directed for further investigation. Subsequently, another I.O. submitted C-class report which was also declined by the learned II-Judicial Magistrate, Karachi East through impugned Order dated 28.4.2021. In pursuance of that order, a challan was submitted before the trial Court. He further contends that respondent No.6 is a lawyer and continuously causing harassment and it is very difficult for the applicant to approach trial Court and as per the contents of FIR, the complainant appeared at the office of Mukhtiarkar, Scheme 33, when the applicant allegedly claimed bribe Rs.60,000/- and in same series of transaction he again appeared on 27.10.2020 when the applicant has abused respondent No.6. He further contended that the FIR is patently illegal and false as on the alleged date of incident, the applicant was not posted as a Mukhtiarkar, Scheme 33, Karachi and he was only posted on 21.10.2020. A copy of such notification is available at page 57 of court file.

2. I heard counsel for applicant and learned Additional Prosecutor General Sindh. Respondent No.6 is called absent, though he was available on 15.4.2025.

3. Learned counsel for applicant states that initially he filed C.P. No.5687/2024 for quashment of FIR, which was converted by the learned Division Bench vide order dated 08.11.2024 into Cr. Misc. Application invoking inherent jurisdiction. When confronted to counsel for applicant whether an FIR can be quashed under inherent jurisdiction, he said that he does not press prayers and prayed to set-aside the Order dated 28.4.2021 passed by the Judicial Magistrate.

4. I have examined the charge-sheet filed wherein the I.O. has clearly written that at the time of alleged incident, the location of the complainant his witnesses are not found at crime scene, they were available either Chakiwara or in City Court. This material point has not discussed or considered. On the other hand, investigation is silent with regard to the notification dated 21.10.2021 or presence of applicant at crime scene and I.O. has not given any finding on such material point, which is a triggering start of FIR and prosecution case as to whether applicant Aijazul Hassan was discharging his official duties as Mukhtiarkar, Scheme 33, Karachi on 30.9.2020, which fact is negated by the applicant through the above-mentioned Notification.

5. In view of the above, the impugned Order dated 28.4.2021 is set-aside and matter is remanded back with direction to S.P. Investigation-I, East Zone, Karachi to depute I.O. for further investigation and submit fresh Police report before the learned Judicial Magistrate, who shall pass an speaking order in accordance with law.

Instant Cr. Misc. Application stands disposed of.

JUDGE

asim/PA