

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

Cr. Misc. Appln. No. S-526 of 2020

Date

Order with signature of Judge

1. For orders on office objection
3. For orders on MA-6965/2020
4. For hearing of main case.

**23.10.2020**

Mr. Haji Khan Khoso, Advocate for the applicant  
Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

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**IRSHAD ALI SHAH, J.-** The facts in brief necessary leading to passing of instant order are that Mst. Zainab alias Saira and Mst.Sapna were abducted with intention to subject them to rape for that the applicant lodged an FIR with PS Jamshoro against Ali Jan, Moula Bux and others, who are not made party before this Court. Such FIR after due investigation was recommended by the police to be cancelled under "C-class" it was cancelled accordingly by learned Civil Judge & Judicial Magistrate-Kotri vide his order dated 13<sup>th</sup> February, 2010 which is impugned by the applicant before this Court by way of instant Cr. Misc. Application u/s 561-A Cr.P.C.

2. It is contended by learned counsel for the applicant that the impugned order is illegal as it has been passed without due enquiry therefore, same is liable to be set-aside.
3. Learned A.P.G for the State by supporting the impugned order has sought for dismissal of instant Cr.Misc. Application.

4. I have considered the above arguments and perused the record.
5. The FIR of the incident has been lodged with delay of about seven days and such delay having not been explained plausibly could not be ignored. Mst. Zainab alias Saira and Mst.Sapna the alleged abductees have denied their abduction in their 161 Cr.P.C statements by stating that they have married of their own accord with Moula Bux and Ali Dad respectively. The instant Cr. Misc. Application is also hit by laches. In these circumstances , the police was right to recommend cancellation of the FIR of the applicant under "C" class and such recommendation has rightly been approved by learned trial Magistrate by way of impugned order, which is not calling for interference by this Court by way of instant Criminal Miscellaneous Application, it is dismissed along with the pending application.

**J U D G E**

Ahmed/Pa,