

ORDER SHEET

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

Cr. Misc. Application No.S- 509 of 2020

Date	Order with Signature of Hon'ble Judge
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For orders on office objections.

For hearing of main case.

29-10-2020.

Mr. Irfan Ali Khaskheli, advocate for applicant.

Ms. Sobia Bhatti, A.P.G for the State.

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IRSHAD ALI SHAH. J.- The applicant lodged an FIR against the private respondents for insulting and threatening him of dire-consequence, it was coupled with allegation of money laundering. Such FIR was cancelled by learned IInd Judicial Magistrate Thanu Bholu Khan at Jamshoro under "C-class", vide her order dated 4th June, 2020 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 learned trial Magistrate was having no authority to have declined taking of cognizance of the offence, on police report; therefore, the impugned order being illegal 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 twenty six days; such delay having not been explained plausibly could

not be overlooked. The parties admittedly are disputed over settlement of account and in these premises the learned trial Magistrate was right to have declined taking cognizance of the alleged offence by way of impugned order, which is not calling for interference by this Court by way of instant Criminal Miscellaneous Application, it is dismissed accordingly.

Judge

Ahmed/Pa,