

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 668 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-8527/2020
2. For orders on office objection
3. For hearing of main case.

07.12.2020.

Mr. Muhammad Saleem Chohan, advocate for
applicant.

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1. Urgency granted.
2. Overruled.
3. The facts in brief necessary for disposal of instant Criminal Misc. Application are that the applicant lodged an FIR for abduction of his uncle Irshad, same on investigation was recommended by the police to be cancelled under false "B-class", but it was cancelled by learned Magistrate under "C-class" vide her order dated 6th October, 2020, which is impugned by the applicant before this Court by way of instant Criminal Misc. Application.

It is contended by learned counsel for the applicant that the learned trial Magistrate has cancelled the FIR of the applicant under "C-class" without lawful justification by way of impugned order, same being illegal is liable to be set-aside after notice to other side.

I have considered the above arguments and perused the record.

The FIR of the incident has been lodged with delay of about 20 days; such delay could not be overlooked. The alleged abductee has been recovered and he has not made any statement with regard to his

abduction. On proper investigation, the FIR of the applicant was recommended by the police under false "B-class". Learned trial Magistrate by cancelling the FIR of the applicant under "C-class" by way of impugned order has favored him, such order is not calling for interference by this Court by way of instant Criminal Misc. Application, it is dismissed in limine. The applicant may however file a direct complaint of the incident before the Court having jurisdiction if so is advised to him.

JUDGE

Ahmed/Pa