

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 329 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case
3. For hearing of MA-4743/2020

10.12.2020.

Mr. Kashif Hussain Agha, advocate for applicants.
Mr. Shahid Ahmed Shaikh, D.P.G for State.
None for the private respondent.

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The applicant by way of instant application u/s 561-A Cr.P.C has impugned an order dated 17.07.2020 passed by learned IInd Additional Sessions Judge / Ex-officio Justice of Peace, Kotri whereby he has directed SHO PS Jamshoro to record statement of the private respondent obviously for purpose of FIR.

It was alleged by the private respondent before learned Ex-officio Justice of Peace that the applicant and others have assaulted and threatened him of dire-consequences on account of dispute over disconnection of water supply lines.

It is contended by learned counsel for the applicant that no incident as alleged by the private respondent has taken place and learned Ex-officio Justice of Peace has passed the impugned order without taking the reports of the police into

consideration; therefore, the impugned order being illegal is liable to be set-aside.

Learned D.P.G for the State did not support the impugned order. None has come forward to argue instant application on behalf of private respondent.

I have considered the above arguments and perused the record.

The SHO PS Jamshoro in his report was fair enough to say that no incident as alleged by the private respondent has taken place. Parties are disputed over water supply connections. The allegation leveled by the private respondent if is believed to be true then it could be proved by him adequately by filing of a direct complaint before the Court having jurisdiction without involvement of the police, therefore, the learned Ex-officio Justice of Peace was not justified in issuing direction to police to record statement of the private respondent for purpose of FIR by way of impugned order, it is set-aside.

Instant Criminal Misc. Application is disposed of accordingly.

JUDGE