

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

Criminal Miscellaneous Application No.S-765 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on M.A. No.9442/2020.
	2. For orders on office objections.
	3. For orders on M.A. No.9443/2020.
	4. For hearing of main case.

24.12.2020.

Mr. Shoukat Ali Kaka, Advocate for applicant.

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Urgency granted.

2. The facts in brief necessary for disposal of instant Criminal Miscellaneous Application under section 561-A Cr.P.C are that the applicant allegedly was abducted by the proposed accused, then was confined illegally his signature was obtained on a blank paper and then was released by them on furnishing surety of rupees ten lacs, therefore, he by making an application under section 22-A & B Cr.P.C sought for direction against S.H.O P.S. Tando Yousuf to record his F.I.R for the above said incident. It was dismissed by learned Model Criminal Trial Court No.1/Ex-Officio Justice of Peace, Hyderabad vide his order dated 17th December 2020, which is impugned by the applicant before this Court by way of application under section 561-A Cr.P.C.

3. It is contended by learned counsel for the applicant that the allegations made by the applicant against the proposed accused was constituting a cognizable offence, therefore, learned Ex-Officio Justice of Peace at Hyderabad ought not to have

dismissed the application of the applicant by way of impugned order, same being illegal is liable to be set-aside after notice to other side.

4. I have considered the above arguments and perused the record.

5. As per police report, the applicant kept with him the stolen buffalos and on account of such fault, he paid rupees ten lacs to the owner of buffalos as penalty, in order to save him from legal consequences. If, it is so then the applicant could not be permitted to involve his opponent in criminal case by making allegation of his abduction and wrongful confinement. In these circumstances, learned Ex-Officio Justice of Peace at Hyderabad was right in dismissing the application of the applicant for issuance of directions against police to record his F.I.R by way of impugned order, which is not calling for interference by this Court by way of instant Criminal Miscellaneous Application, it is dismissed in *limine* together with the listed application.

JUDGE

Muhammad Danish Steno*