

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 722 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case

13.01.2021.

Mr. Muhammad Zakaria, advocate for applicant.
Mr. Shahzado Saleem Nahiyoan, D.P.G for State.
Mr. Shahzaib Abbasi, advocate for respondent No.1

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It is contended by learned counsel for the applicant that the applicant lodged an FIR for an offence punishable u/s 506/2, 504, 419 and 420 PPC with PS Cant Hyderabad against the private respondent; same on the basis of dishonest investigation was recommended by the police to be disposed of under "NC class". It was disposed of accordingly by learned trial Magistrate by way of his order dated 30.11.2020, such order being non-speaking and illegal is liable to be set-aside with direction to trial Magistrate to take cognizance of the incident.

2. Learned D.P.G for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of the instant Criminal Misc. Application by contending that the impugned order is well reasoned.

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

4. Parties admittedly are disputed since long. The FIR of the alleged incident was lodged by the applicant with delay of about one month that too after having a recourse u/s 22-A & B Cr.P.C, which appears to

be significant. On proper investigation, the FIR of the applicant was recommended by the police to be disposed of under "NC class", such recommendation of the police has rightly been accepted by learned trial Magistrate by way of impugned order, which is well reasoned; such order could not be said to be illegal only for the reason that it is passed against the applicant.

5. In view of above, the instant Criminal Misc. Application being misconceived is dismissed.

JUDGE

Ahmed/Pa