

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr. Misc. Appln. No.S- 445 of 2019

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

19.01.2021.

Mr. Ashique Hussain D. Solangi, Advocate for applicant.  
Ms. Sobia Bhatti, A.P.G for the State.  
Mr. Badal Gahoti, Advocate for respondent No.3.

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The facts in brief necessary for disposal of instant Criminal Misc. Application under Section 561-A Cr.P.C are that the private respondent by making allegation that during course of incident whereby Gulzar Ali lost his life while PW Imam Ali sustained injuries, her boys have also sustained injuries at the complainant party of said case but her FIR is not being recorded by the police without lawful justification. By maintaining such allegation, she sought for direction from learned Ex-officio Justice of Peace against SHO PS Jhangara for recording her statement for purpose of FIR against the applicant and others which was issued accordingly by learned Ex-officio Justice of Peace vide his order dated 02.09.2019, which is impugned by the applicant before this Court by way of filing instant Criminal Misc. Application u/s 561-A Cr.P.C.

2. It is contended by learned counsel for the applicant that the private respondent in order to create counter version of murder has come before learned Ex-officio Justice of Peace, Sehwan seeking direction for recording of her FIR for the incident, which has never

taken place, therefore, the impugned order being illegal is liable to be set-aside.

3. Learned A.P.G for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of instant Cr.Misc.Application by contending that the recording of statement of the private respondent for purpose of FIR could hardly be prevented.

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

5. The private respondent has come before learned Ex-officio Justice of Peace with an allegation that her boys have also sustained injuries at the hands of complainant party of the main murder case. Such allegation obviously needs probe and could not be lost sight of in summary manner. In these circumstances, learned Ex-officio Justice of Peace was right to direct SHO PS Jhangara to record statement of the private respondent for purpose of FIR by way of impugned order, which is not calling for any interference by this Court by way of instant Criminal Misc. Application, it is dismissed accordingly.

JUDGE