

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 95 of 2021

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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1. For orders on MA-1569/2021
2. For orders on office objection
3. For orders on MA-1570/2021
4. For hearing of main case.

01.03.2021.

Ms. Tabassum Arain and Mr. Mukhtiar Ali Rind, advocates
for applicant.

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1. Urgency granted.

2to4. The facts in brief necessary of disposal of instant Criminal Misc. Application are that the applicant lodged an FIR with the police alleging therein that his sister Mst. Farhana wife of Aijaz Ali Rind has been enticed away by accused Nabi Dad with intention to subject her to rape. On investigation, such FIR was recommended by the police to be cancelled under "C-class" and it was cancelled accordingly by learned Family Judge & Judicial Magistrate Nawabshah vide his order dated 30.01.2021, which is impugned by the applicant before this Court.

It is contended by learned counsel for the applicant that learned trial Magistrate has disposed of the FIR of the applicant under "C-class" on the basis of police report, which was based on dishonest investigation. By contending so, he sought for setting aside of the impugned order with direction to learned trial Magistrate to take cognizance of the incident.

I have considered the above argument and perused the record.

As per police report, Mst. Farhana has denied her abduction and has recognized Nabi Dad to be her husband. In these circumstances, learned trial Magistrate was right to recommend cancellation of the FIR of the applicant under "C-class". If, the applicant is having a feeling that the report of the police was based on the dishonest investigation then he could exhaust his remedy u/s 200 Cr.P.C. No illegality is apparent, which may justify making interference with the impugned order of learned trial Magistrate. Consequently, the instant Criminal Misc. Application is dismissed in limini together with the listed application.

JUDGE