

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 544 of 2019

DATE ORDER WITH SIGNATURE OF JUDGE

1. For orders on MA-8739/19
2. For orders on office objection
3. For hearing of main case.

15.11.2019.

Ms. Rehana Siddiqui, advocate for applicant.

Ms. Rameshan Oad, A.P.G for the State.

Mr. Agha Waqar, advocate for private respondents.

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The applicant by way of instant application u/s 561-A Cr.P.C has impugned order dated 18.10.2019, whereby his application u/s 22-A and B Cr.P.C was dismissed by learned 3rd Additional Sessions Judge/Ex-officio Justice of Peace, Hyderabad.

It is contended by learned counsel for the applicant that the private respondents have caused damage to the water course of the applicant and are not allowing him to cultivate his land by extending threats of dire-consequences, which constitute a cognizable offence, therefore, learned 3rd Additional Sessions Judge/Ex-officio Justice of Peace, Hyderabad ought to have issued direction against SHO PS Tando Jam Hyderabad to have recorded the FIR of the applicant.

Learned A.P.G for the State and learned counsel for the private respondents have sought for dismissal of the instant application by contending that no incident as alleged by the applicant has ever taken place and applicant is intending to resolve his dispute over landed property with the private respondents by involving them in a false case.

I have considered the above arguments and perused the record.

If, the arguments advanced by learned counsel for the applicant are taken into consideration, then those hardly constitute a cognizable offence. In these premises learned 3rd Additional Sessions Judge/Ex-officio Justice of Peace, Hyderabad was right to dismiss the application u/s 22-A and B Cr.P.C of the applicant by way of impugned order, which is not calling for any interference by this Court by way of instant application u/s 561-A Cr.P.C, it is dismissed accordingly with an advice to the applicant to file a direct complaint of the incident before the Court having jurisdiction.

JUDGE