

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 79 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.
3. For orders on MA-908/19

05.12.2019.

Mr. Ishrat Ali Lohar, advocate for applicant.

Mr. Nisar Ahmed Durrani, advocate for respondent
No.1.

Ms. Sana Memon, A.P.G for the State.

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The facts in brief necessary for disposal of instant Cr.Misc.Application are that the private respondent by way of filing an application u/s 22-A & B Cr.P.C sought for direction for recording of his FIR against the applicant. It was dismissed by learned Sessions Judge/Ex-officio Justice of Peace, Dadu vide his order dated 02.05.2013 with the observation that the dispute between the parties is of civil nature. Subsequently, the private respondent filed a complaint before learned Special Judge, Anti-Corruption (Provincial), Hyderabad at Camp Dadu. In end of such complaint he sought for issuance of direction for recording of his FIR against the applicant and others for manipulating a registered sale deed. It was assigned for enquiry to Circle Officer Anti-Corruption Establishment Dadu, who furnished his report. Consequently,

instead of taking cognizance of the incident or otherwise, learned Special Judge, Anti-Corruption (Provincial), Hyderabad directed the Circle Officer Anti-Corruption Dadu to record FIR of the private respondent by his order dated 11.10.2013, which is impugned by the applicant before this Court by way of instant Misc.Application u/s 561-A Cr.P.C.

It is contended by learned counsel for the applicant that learned Special Judge, Anti-Corruption (Provincial), Hyderabad was having no authority to have directed recording of FIR of the private respondent that too on a complaint. By contending so, he sought for setting aside of the impugned order.

Learned A.P.G for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of the instant Misc.Application.

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

The dispute between the parties is relating to a registered document, which could only be declared false or otherwise by Civil Court having jurisdiction. It was complaint which was filed by the private respondent, after preliminary enquiry through Circle Officer Dadu, it was either to have

been brought on record or to have been dismissed by learned Special Judge, Anti-Corruption (Provincial), Hyderabad, he as such was having hardly a jurisdiction as Ex-officio Justice of Peace to have directed Circle Officer Anti-Corruption Dadu to record FIR of the private respondent. By ordering so, learned Special Judge, Anti-Corruption (Provincial), Hyderabad has dispensed with the Anti-Corruption rules without any legal justification, which call for enquiry and permission of the authority concerned before registration of FIR of the cases of like nature. Such act of learned Special Judge, Anti-Corruption (Provincial), Hyderabad could hardly be approved. In these circumstances, the impugned order is calling for interference, it is set-aside.

Instant Criminal Miscellaneous Application is disposed of accordingly.

JUDGE