

Order Sheet  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

Cr. Rev. A. No. S- 42 of 2021

Applicants : Imran Ali through Ms. Samina Ajmaree, Advocate  
Respondent : Mst. Shahina Irfan and others  
Nemo for respondents  
Date of Hearing & Decision : 22.10.2021

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** - Applicant has preferred this Criminal Revision Application against Summary order dated 26.11.2020 whereby learned Civil Judge / Judicial Magistrate No. V, Hyderabad whereby the learned Judge under the Police Rules has approved the Cancelled Class Report submitted by the Investigating Officer in F.I.R No. 198 of 2020 of Police Station Market Hyderabad lodged by the applicant / complainant under Section 154 of the Cr.P.C. An excerpt of the order is reproduced as under:

"This FIR has been recommended by the Investigating Officer to be disposed of in "C" class.

I have perused the material available on record. The FIR tersely stated was registered on 27-10-2020.

It has been stated by the Investigating Officer that Complainant and accused persons are relatives and due to some dispute Complainant has lodged false FIR.

Investigating Officer has concluded that because of family affairs, Complainant drag accused persons in criminal litigation and false implication is quite probable and during the course of investigation, no any incriminating evidence came on record which could connect the accused persons with the commission of offence and in view of the circumstances, floating on the surface, it is concluded that there is no case to be taken cognizance of with the result that the FIR at hand is cancelled."

2. I have heard learned counsel for the Applicant on the maintainability of the application and perused the record.

3. Learned counsel for the applicant has contended that the impugned order is suffering from legal implications. She further contended that the Investigating Officer has not conducted the investigation properly, thus the learned Magistrate ought to have taken cognizance of the matter. She argued that the proposed accused have committed theft of property files

thus their activities fall within the ambit of Section 380, 34 PPC, therefore, the impugned order is liable to be set aside.

4. Prima-facie no concrete proof could be gathered to stuck up with the investigation, Investigating Officer submitted Summary report with the learned Magistrate, who concurred with the opinion of Investigating Officer and approved the report under Cancelled Class.

5. No case for indulgence of this court is made out. Accordingly, this Criminal Revision Application is dismissed in limine.

JUDGE

karar\_hussain/PS\*