

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Criminal Revision Application No. S-17 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections
For hearing of main case
For orders on MA-9499/2020
For hearing of MA-1322/2020

10.03.2021.

Mr. Noor Ahmed Memon, advocate for applicants.
Mr. Shahzad Ali, advocate for respondent.
Mr. Shahzad Saleem Nahiyoona, D.P.G for the State.
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The facts in brief necessary for disposal of instant Criminal Revision Application are that private respondent by way of making an application u/s 22-A & B Cr.P.C sought for direction against police to record his FIR against the applicant. It was dismissed by Ex-officio Justice of Peace having jurisdiction, such dismissal was impugned before this Court by way of filing a Criminal Misc. Application, it was also dismissed. Consequently, the private respondent filed a Direct Complaint. It was brought on record, the applicants by way of making an application u/s 265-K Cr.P.C sought for their acquittal, it was dismissed by learned Additional Sessions Judge, Matiari vide his order dated 01.02.2020, which is impugned by the applicants before this Court by way of instant Criminal Revision Application.

2. It is contended by learned counsel for the applicants that the Judge who has taken the cognizance has already dismissed the application of the private respondent for issuance of direction against the police to record his FIR by making an observation that there is Civil dispute between the parties, in these circumstances, the cognizance of

the Direct Complaint was illegal and misconceived, which will raise no probability or possibility of the conviction of the applicants for the offence alleged against them, therefore, the impugned order being illegal is liable to be set-aside with acquittal of the applicants.

3. Learned D.P.G for the State and learned counsel of the private respondent by supporting the impugned order has sought for dismissal of instant Criminal Revision Application.

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

5. The civil litigation between the parties may be pending and application u/s 22-A Cr.P.C on same cause of action might have been dismissed, but such dismissal together with pendency of Civil litigation could hardly deprive the private respondent from pursuing his remedy u/s 200 Cr.P.C. The Direct Complaint filed against the applicants has been brought on record by learned trial Court, after requisite inquiry. Inquiry and trial are two different things. In inquiry one has to make out a case for cognizance. In trial one has to prove his case beyond shadow of doubt. If, the applicants are having feeling that they being innocent have been involved in a Direct Complaint falsely then they could prove their innocence by joining the trial. No illegality is committed by learned trial Court by making refusal to record premature acquittal of the applicants by way of impugned order, which may justify this Court to make interference with it. Consequently, instant Criminal Revision Application is dismissed.

JUDGE