

ORDER SHEET.
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**
Cr. Misc. Appln: No.S-283 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case
For hearing of MA-4152/22 (stay application)

26.05.2022.

Mr. Ahsan Gul Dahri advocate for applicant.
Mr. Kashif Hussain Agha, Advocate for respondent No.3.
Ms. Sana Memon, A.P.G. for the State.

ORDER.

ZULFIQAR AHMED KHAN,J.:- By this order, I intend to dispose of above captioned criminal miscellaneous application, whereby applicant has impugned order dated 22.04.2022 passed by Ex-Officio Justice of Peace, Sehwan on the application filed by respondent No.3 under section 22-A(6), Cr.P.C, whereby SHO concerned was directed to receive the complaint of the respondent No.3 (Khalid) and register such F.I.R. as per verbatim with direction to the respondent No.3 to visit the Police Station for recording of F.I.R.

2. Learned counsel for the applicant contends that learned Ex-Officio Justice of Peace/Additional Sessions Judge, Sehwan has not applied his judicial mind while allowing the application of the respondent No.3 as he and his accomplice assaulted upon applicant party in which two persons of them were severally injured and such F.I.R. bearing NO.02 of 2022 under sections 324, 337-A(i), 337-A(ii), 337-L(iii), 147, 148, 114 and 504, PPC was lodged at PS Thebat on 07.03.2002 on the complaint of Mumtaz Ali, who is brother of proposed accused Javeed, in which applicant and Sadam Hussain are witnesses in the said F.I.R, therefore, respondent No.3 intends to register counter blast F.I.R. against the applicant party in order to pressurize them with ulterior motives,

because no cognizable offence has been committed by the applicant party, therefore, respondent No.3 managed a false story by leveling false allegation and the injuries sustained by injured Arshad Ali is self suffered, hence impugned order is liable to be set aside.

3. Learned counsel for the respondent No.3 submits that on 30.03.2022, when the respondent No.3 along with his nephew Arshad Ali, Anwar and Gulab were coming from Laki Stop to their otaq, in the meantime, at around 11.45a.m, the proposed accused being duly armed with pistols came on two motorcycles alighted arrogantly and proposed accused Ahmed Khan instigated to all the co-accused to kill them and on his instigation proposed accused Hussain Bux made direct fire upon Arshad Ali with intention to commit his murder, which hit on his left hand, on which he fell down and other accused caused kicks and fists blows to him, thereafter they after arranging vehicle rushed to PS and got letter for treatment and brought the injured went to Sehwan Hospital for his treatment where after issued medical certificate by the MLO, in which, he observed that injuries to be fire arm on the person of injured, therefore, per contents of the alleged incident, proposed accused have committed a cognizable offence as there are serious allegations leveled against the proposed accused persons, therefore, SHO is duty bound to register his F.I.R, hence this application is liable to be dismissed.

4. Learned A.P.G. supported the impugned order passed by learned Ex-Officio Justice of Peace/Additional Sessions Judge, Sehwan.

5. Apparently, learned counsel for the applicant has failed to point out any illegality or infirmity in the impugned order. It is well-settled law that SHO is under legal obligation to register F.I.R under section 154, Cr.P.C, if from such information a cognizable offence is made out. Reliance is placed upon the case of MUHAMMAD BASHIR v. SHO

OKARA CANTT. and others (PLD 2007 SC 539), wherein Honorable Supreme Court has held that no authority vested with an Officer Incharge of a Police Station or with anyone else to refuse to record an F.I.R. where the information conveyed, disclosed the commission of a cognizable offence.

6. From the contents of application made by the respondent No.3 , it appears that since the allegations leveled by him in his application before the Ex-Officio Justice of Peace are regarding injury case, therefore, SHO concerned / respondent No.2 is directed to record the statement of the respondent No.3 and if it discloses a cognizable offence, he should incorporate the same in 154, Cr.P.C book.

In view of above, instant application is disposed of.

JUDGE