

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. M.A.No.S- 667 of 2018

Date of hearing	Order with signature of Judge.
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Priority Case

- 1.For hearing of main case.
- 2.For hearing of MA 4454/18

08-03-2021

Haji Shamsuddin Rajper Advocate for applicants.
Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

Applicants being proposed accused are aggrieved by impugned order dated 28.07.2018, passed by the Court of learned Sessions Judge/Justice of Peace, Ghotki, whereby application filed by the respondent No.3 Kareem Bux under Section 22-A&B Cr.P.C has been allowed for registration of F.I.R of an incident which took place on 15.07.2018.

2. In the said incident, proposed accused duly armed with deadly weapons forcibly controlled upon the respondent No.3/complainant and on the show of weapons took away/robbed five cows and committed dacoity.

3. The respondent No.3 approached the SHO concerned for registration of FIR, but the SHO refused to register the FIR, therefore, respondent No.3 approached the learned Justice of Peace by way of filing application under Section 22-A&B Cr.P.C for simple direction to SHO to record the statement of the applicant. Learned ex-Officio Justice of Peace on the aforesaid application of the respondent No.3 passed order dated 28.07.2018, whereby SHO concerned was directed to

record to record the statement of complainant and if from his statement cognizable offence is made out, his FIR be registered or to act in accordance with law. The SHO concerned was further directed not to arrest proposed accused till sufficient evidence against them has come on record and if the FIR of respondent No.3 during investigation is declared as false, then proceedings in terms of section 182 CrPC be initiated against the respondent No.3. It may be mentioned here that the impugned order for registration of FIR is not any adverse order against any party because the adverse party has very well been protected under Section 182 Cr.P.C and if the FIR turned down to be false, the accused would have a remedy against lodgment of FIR.

4. In view of above, learned counsel for the applicants has not been able to point out any mis-reading and non-reading of the material available on record so also any illegality and/or irregularity in the impugned order calling interference of this Court. Therefore, while maintaining the impugned order of learned ex-Officio Justice of Peace, instant CrI. Miscellaneous Application being devoid of any merit stands dismissed.

JUDGE