

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

**Cr. Misc. Appln. No. S – 870 of 2019**

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Date	Order with Signature of Hon'ble Judge
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**Priority case**

1. For orders on office objection at flag 'a'
2. For hearing of main case
3. For hearing of MA No.6488/2019

**21.02.2020**

Mr. Riaz Ali Shaikh Advocate for the applicant/proposed accused  
Mr. Shafi Muhammad Mahar, DPG for the State

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**Amjad Ali Sahito, J;** Through instant Criminal Miscellaneous Application, the applicant/proposed accused has impugned the order dated 07.12.2019 passed by learned 2<sup>nd</sup> Additional Sessions Judge / Ex-Officio Justice of Peace, Naushahro Feroze, whereby the application under Section 22-A and 22-B Cr.P.C filed by the private respondent was allowed and the SHO Police Station Naushahro Feroze was directed to record the statement of the private respondent and if it constitutes a cognizable offence, same may be incorporated into book u/s 154 Cr.P.C.

2. Per learned counsel for the applicant that the DSP Complaint Redressal Cell Naushahro Feroze has submitted report stating therein that the husband of the private respondent namely Mashooque Khoso is already involved in two FIRs i.e. Crime No. 116/2019 at Police station Padiddan and another Crime No.144/2019 at Police Station Tharushah. He further submits that the private respondent has cooked a false story and has made an attempt to lodge the FIR therefore, has filed the instant application U/s 22-A and 22-B Cr.P.C. He lastly prayed for setting aside of the impugned order.

3. Learned DPG appearing for the State supported the impugned order by contending that the recording of the statement of any person,

whoever, appears at police station is his fundamental right, hence prayed for dismissal of the instant Criminal Miscellaneous Application.

4. I have heard the learned counsel for the applicant/ proposed accused as well as learned Additional PG for the State and have gone through the material available on record. Admittedly, the report furnished by Deputy Superintendent of Police, Complaint Redressal Cell Naushahro Feroze dated 07.12.2019 reveals that during investigation it is surfaced that no such incident happened as alleged by the private respondent, rather the applicant Abdullah has lodged two FIRs against the husband of the private respondent namely Mashooque Ali, whereas, the private respondent in order to develop undue pressure upon the applicant has cooked-up a false story and is trying to get register a false FIR against the applicant. In such circumstances, the instant Criminal Miscellaneous Application is allowed and the impugned order is set-aside. However, the private respondent is at liberty to avail her remedy by way of filing direct complaint of the incident, before the competent Court of law, having jurisdiction, if so advised.

Judge