

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No. 201 of 2020

Date

Order with signature of Judge

1. For orders on M.A.No.5099/2020
2. For hearing of main case.

26th September 2022

Mr. Khan Zaman Khattak advocate for applicant
Mr. Siraj Chandio Addl. P.G Sindh
Mr. Zahir Farooq Mazari AAG Sindh
Mr. Maroof Hussain Hashmi advocate for respondent No.5

1. Through the instant Criminal Misc. Application, the applicant has challenged the order dated 15.04.2020, whereby learned II-Additional Sessions Judge, Karachi East, dismissed her application under Section 22-A Cr.P.C for lodgement of the FIR against her ex-husband/respondent No.5.

2. It is contended by learned counsel for the applicant that impugned order has been passed in slipshod manner without appreciating the fact that the car was in the name of the applicant and it was fraudulently transferred by the respondent No.5 by forging her signature. Therefore, it is prayed that impugned order may be set aside and the SHO concerned may be directed to register the FIR against the respondent No.5.

3. Learned Addl. P.G and learned AAG supported the impugned order passed by learned Additional Sessions Judge, by stating that no case for registration of the FIR has been made out, hence sought for dismissal of instant Cr. Misc. Application.

4. Learned counsel for the respondent No.5 contended that FIR cannot be used as a tool of harassment, no offence was committed, the subject car was purchased by the respondent No.5; that litigation between the parties including the subject car is pending adjudication before the proper forum, however, the applicant intends to convert the civil litigation into criminal.

5. Heard and perused the record.

6. Admittedly, there appears family dispute between the parties and a suit for recovery of dowry articles including subject car filed by the applicant is pending adjudication before the Family court. With regard to *Benami* suit, if

any, the parties may pursue their *lis* before appropriate forum. The impugned order appears to be well-reasoned. The learned counsel for the applicant was unable to point out any illegality or impropriety in the impugned order, which requires interference by this court. Accordingly, instant Criminal Misc. Application being devoid of merits is **dismissed**.

Sajid

JUDGE