

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Misc. Application No. 673 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

1. For orders on office objection
2. For hearing of main case.

14-02-2023

Mr. Mujeeb-ur-Rehman, Advocate for applicant.
Mr. Abdul Haleem Jamali, Advocate for proposed accused.
Mr. Abrar Ali Khichi, Addl.P.G.

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Omar Sial, J: The issue in this case is that if a person gets injured in one place (Balochistan in the present case) can an F.I.R. be registered at the place where he dies as a consequence of the incident in Balochistan (Karachi in the present case).

2. The applicant's counsel argues that the learned Justice of Peace, Karachi South was approached with a Section 22-A Cr.P.C. application but the same was dismissed on the ground that the incident that occurred in Balochistan was a road traffic accident whereas the applicant claims that the deceased was beaten up in Balochistan and as a consequence expired in Karachi. The learned Justice of Peace was also swayed by the fact that the police station in Karachi did not have jurisdiction to investigate the matter as the incident occurred in Balochistan.

3. I have heard the learned counsels for both the applicant and the respondents as well as the learned Addl.P.G.

4. As far as the question of the Court's jurisdiction is concerned, section 179 of the Cr.P.C. makes it clear that when a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

5. As far as the question of whether or not the deceased died due to a road traffic accident or whether it was a beating he got in Balochistan which resulted in his death in Karachi is concerned, it would be appropriate if the police itself looks into this aspect. The applicant may approach the police station having jurisdiction with his grievance. An F.I.R. should only be registered if the police is of the view based on some cogent evidence that a cognizable offence has been committed. It is clarified that this order must not be interpreted as a mandatory direction for the registration of an F.I.R. The police will be at complete liberty to act independently but neutrally and in accordance with law.

6. Application stands disposed of in the above terms.

JUDGE