

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.
C.P No.D-1362 of 2011

DATE

ORDER WITH SIGNATURE OF JUDGE

23.08.2011.

1. FOR KATCHA PESH.
2. FOR HEARING OF MA NO.6300/2011.

Mr. Sikandar Ali Khaskheli, Advocate for the petitioners along with petitioners.

Mr. Allah Bachayo Soomro, Additional A.G Sindh along Inspector Nand Lal, SHO PS Jhudo and ASI Ali Muhammad, PS Jhudo.

.....
By order dated 10-08-2011, the operation of the F.I.R. No.94/2011 was suspended and in this regard notices were also issued to the respondents including the Investigating Officer but on 16-08-2011, I.O submitted the challan though he was aware about the order of this Court. It appears that I.O as well as the SHO at the behest of private respondents have registered a false case and submitted the challan in defiance of the order of this Court which prima facie suggests that they have violated the order of this Court.

In view of above, let show-cause notice be issued to the respondents SHO as well as ASI Ali Muhammad, I.O as to why contempt proceedings shall not be initiated against them in defiance of order dated 10-08-2011.

On query, I.O conceded that during investigation of crime No.94/2011 he could not secure any empty cartridge/bullet from the place of occurrence.

Upon a perusal of F.I.R. No.94/2011, it appears that Muhammad Siddique, Hashim, Piyaro, Allah Bachayo and Dost Ali have been nominated as accused. Out of them, Muhammad Siddique is a husband of the petitioner No.1 whereas Hashim is maternal uncle as well as witness of the marriage, Piyaro and Allah Bachayo are cousins of the petitioner No.2 whereas Dost Ali is a real brother of the petitioner No.1. It appears that due to marriage of the petitioners the private respondents with the connivance of the local police got registered a false case and ultimately I.O. who seems to be won over by the private respondents, has submitted a challan before the concerned Court.

In view of above, we are clear in our mind that the petitioners, their family members and near relatives have been dragged in a false and concocted case. Consequently, we quash the proceedings culminating from crime No.94/2011 of PS Jhudo.

With the above observations petition stands disposed of along with listed application. However, the proceedings with regard to the show-cause notice against the alleged contemnors will continue.


JUDGE


JUDGE