

**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Miscellaneous Application No.S-141 of 2023

1. For orders on office objection.
2. For hearing of main case.
3. For hearing of MA No.2579 / 2023.

31.03.2023.

Mr. Ghazi Salahuddin Panhwar, advocate for applicant along with applicant.

Mr. Imran Ahmed Abbasi, A.P.G. Sindh along with SIP Moolchand, SHO PS Pangrio.

Respondent No.3 is present in person.

Through this criminal miscellaneous application, the applicant Muhammad Rafique has impugned the order dated 02.03.2023 wherein the application filed by the respondent No.3 Shahbaz Ali under section 22-A & B Cr.P.C. was allowed and the SHO was directed to record his statement and if a cognizable offence is made out from his statement, such statement be incorporated in a book of FIR.

2. Per learned counsel for the applicant that in fact the applicant has received grievance injuries and in order to make out a case of counter-blast, respondent No.3 Shahbaz Ali has filed application before Ex. Officio Justice of Peace for registration of case. He further submits that they have not received any injury but with mala fide and ulterior motives, filed such application.

3. On the other hand, learned A.P.G. Sindh has supported the impugned order. The police officer present states that in a quarrel taken place between them, both the parties received injuries, as such, respondent No.3 has not approached the police station to get recorded his statement.

4. Heard and perused the record.

5. It has come on record as pointed by the police officer in open Court that both parties received injuries and the respondent No.3 has not appeared at police station for recording his statement; however, he is ready to record statement and incorporate it in a book of FIR, if a cognizable offence is made out. In such circumstances, instant criminal miscellaneous application stands **dismissed**. However, the respondent No.3 is at liberty to approach the police station for recording of his statement, if so he desires.

JUDGE