

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

Criminal Miscellaneous Application No.S-822 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	For orders on office objection. For hearing of main case.
<u>16-06-2023</u>	Mr. Ghulamullah Chang advocate for applicant along with applicant. Ms. Imran Ahmed Abbasi, Assistant Prosecutor General Sindh along with Sajid Ahmed, Assistant Director Legal ACE and Agha Hussain Circle Officer. Mr. Muhammad Arshad S.Pathan, advocate for respondents No.13 to 15.

MUHAMMAD IQBAL KALHORO, J:-Applicant filed an application under section 22-A (6) (i) CrPC before Justice of Peace for registering FIR against respondents No.9 to 15, who are her brothers, on allegations that by fraud and misrepresentation they have caused mutation of ancestral property in the record of rights in their names excluding applicant and four other real sisters after death of their father. That application has been dismissed by impugned order dated 03.11.2022. During hearing when a question was asked from respondents No.13 to 14 the reason they have not mentioned their sisters for in the record of rights as legal heirs and why have not given them their share, they replied that their sisters had given their share in the property to them as 'بخشش' (loosely translated as kindness/largesse or generosity) and further that they had given them dowry at the time of their marriage. This however is strongly refuted by applicant. In any case, prima facie applicant appears to be correct in leveling above allegations against respondents and which therefore need to be probed. Refusal of relevant authorities to record a statement of applicant and proceed in accordance with law is against the law.

Further, the record shows that applicant has been knocking door of every forum including Deputy Commissioner, Tando Allahyar for redressal her grievance but no one has heeded her requests. Learned Justice of Peace also erred in declining to entertain her application for registration of FIR.

In the circumstances, respondent No.4 is directed to record statement of petitioner and if an offence, cognizable in nature, is made out, register FIR and proceed with the matter in accordance with law.

The application is **disposed of**.

JUDGE

Abdullah Channa/PS