

**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

Cr. Misc. Application No. 585 of 2023

Applicant : Nawaz Ali Mallah, through Mansoor Hussain Maitlo, Advocate

Respondents : The State, through Zulifqar Ali Jatoi, APG

Date of Hearing : 16.10.2023

ORDER

YOUSUF ALI SAYEED, J. – Through the instant Application, under S.561-A Cr. P.C., the Applicant has impugned the order dated 05.08.2023 made by the learned Sessions Judge/Justice of Peace, Khairpur, dismissing the application filed by him under Sections 22-A and B, Cr.P.C on 12.07.2023, seeking registration of an FIR on account of an armed attack allegedly perpetrated against him on 07.07.2023, at 7:30 AM, by the persons arrayed as the proposed accused, when he was fishing at the Nara Canal between RS-327 to RD-337, with it being said that there was an ongoing dispute between them regarding fishing rights.

2. Learned Counsel for the Applicant contended that learned Justice of Peace has erred in dismissing the underlying Application as its contents, *ex facie* disclosed the commission of a cognizable offence and as per provisions of Section 154, Cr.P.C., the Officer Incharge of the Police Station was bound to register the FIR. He prayed that the instant Application be allowed so as to set aside the impugned Order and direct that an FIR be registered.

3. On the other hand, the learned APG supported the impugned Order while submitting that the Application under Sections 22-A and B, Cr.P.C had been couched in vague terms and that the allegation advanced by the Applicant of injuries caused to him was completely unsupported by any medical report. It was also pointing out that the learned Justice of Peace had specifically left it open to the Applicant to proceed against the proposed accused through a direct complaint.
4. As it transpires, the reports submitted in the instant case separately by the concerned SSP and SHO belie the version of events put forward by the Applicant. Moreover, as pointed out, the learned Justice of Peace has left the Applicant at liberty to file a direct complaint, if so desired.
5. In the cases of Habibullah v. Political Assistant, Dera Ghazi Khan and others 2005 SCMR 951, the Supreme Court has observed that the filing of private complaint could provide equally adequate relief as a complainant could lead the entire evidence himself before the trial Court for redressal of his grievance. Similarly, in the case reported as Rai Ashraf and others v. Muhammad Saleem Bhatti and others PLD 2010 SC 691, it was observed that a private complaint presents an alternate remedy.
6. Under the circumstances, no case for interference stands made out, and the Application at hand stands dismissed accordingly.

JUDGE

Sukkur.
Dated: