

ORDER SHEET
 IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Misc. Application No.S-313 of 2023
 (*Ravi Mal Vs. The State.*)

1. For Orders on office objection.
2. For Orders on MA No.1704/2023 (Ex./A)
3. For hearing of main case.

26-10-2023.

Mr. Illahi Bux Maitlo, advocate for the applicant.

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1. Over ruled.
2. Deferred.
3. The facts in brief necessary for disposal of instant Crl. Misc. Application are that an FIR Crime No. 74/2022 u/s 320, 279 PPC was lodged by the applicant with PS Baberloi; same on investigation was recommended by the police to be disposed of under "A" class and was disposed of accordingly by learned IIIrd Judicial Magistrate Khairpur vide order dated 05-12-2022, which the applicant has impugned before this Court by making the instant Crl. Misc. Application u/s 561-A Cr.P.C.

It is contended by learned counsel for the applicant that names of the culprits involved in the incident were disclosed by witnesses in their 162 Cr.P.C statements; therefore, learned trial Magistrate ought not to have disposed of the case under "A" class by way of impugned order; same being illegal is liable to be set aside by this Court.

Heard arguments and perused the record.

Disposal of an FIR under "A" class could hardly be taken as final. The investigation of the case could be opened at any stage on discovery of additional evidence. If, the applicant is dissatisfied with the investigation conducted by police, then he could file Direct Complaint of the incident before the Court having jurisdiction, if so is advised to him. No illegality is noticed in the impugned order which may justify this Court to make interference with it.

In view of above, the instant Crl. Misc. Application fails and is dismissed in limine.

Judge

Nasim/P.A.

