

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Crl. Misc. Application No.S-107 of 2023**  
*(Mazhar @ Roshan Ali Others Vs. The State & others)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

1. For hearing of main case.
2. For hearing of CMA No. 1022/2023 (Stay)

**12-12-2023.**

Mr. Riaz Ali Shaikh, advocate for the applicants.  
 Mr. Safdar Ali Ujjan, advocate for the private respondent.  
 Ms. Shabana Naheed, Assistant P.G for the State.

\*\*\*\*\*

**IRSHAD ALI SHAH, J.-.** By making allegation of death of his son Ghulam Sajjad at the hands of the applicants by drowning him in a water course, the private respondent sought for direction against the police to record his FIR by filing an application under section 22 A/B Cr.P.C, it was issued by learned IInd Additional Session Judge/Ex-Officio Justice of Peace Naushahro Feroze vide order dated 13-02-2023, which is impugned by the applicants before this Court by way of instant Crl. Misc. Application.

2. It is contended by learned counsel for the applicants that the application made by the private respondent was second in series; earlier one was withdrawn by him; it was a natural death and such entry was also kept by the police in roznamcha at PS Kandiaro, the private respondent is now intending to involve the applicants in a false case by declaring death of his son being unnatural malafidely and such aspect of the case has been lost sight of by learned Ex-Officio Justice of Peace, while directing the

police to record statement of the private respondent for purpose of FIR by way of impugned order, same being illegal is liable to be set aside by this Court.

3. Learned Assistant P.G for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of instant Crl. Misc. Application by contending that a cognizable offence has taken place.

4. Heard arguments and perused the record.

5. The allegation so made by the private respondent with regard to death of his son allegedly at the hands of the applicants being serious in nature is to be probed by the police; such probe could only be undertaken on lodgment of formal FIR; the registration whereof could not be prevented under any circumstance. If the applicants are having a feeling that they are going to be involved in a false case by the private respondent, then could prove their innocence before the police by joining the investigation. No illegality is noticed which may justify this Court to make interference with the impugned order by way of instant Crl. Misc. Application; it is dismissed according together with listed application.

**Judge**

