

## ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**CrI. Misc. Application No. S-902 of 2023**

*(Shamsuddin Memon Vs. The State & others)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on CMA No. 7540/2023 (U/A)
2. For Orders on office objection.
3. For Orders on CMA No. 7541/2023 (Ex./A)
4. For hearing of main case.

**18-12-2023.**

Mr. Yamin Ali Ghunio, advocate for applicant.

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1. Granted.
2. Over ruled.
3. Granted.
4. The applicant by making an allegation of theft of his saving certificate etc. from his house by way of an application under section 22 A/B Cr.P.C sought for direction against the police to record his FIR, it was dismissed by learned IInd Additional Sessions Judge/Ex-Officio Justice of Peace, Khairpur vide order dated 08-11-2023, which is impugned by the applicant before this Court by making the instant CrI. Misc. Application under section 561-A Cr.P.C.

It is contended by learned counsel for the applicant that cognizable offence has taken place; therefore learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant by way of impugned order, it is to be examined by this Court.

Heard arguments and perused the record.

Apparently there is dispute between the applicant and private respondent over house and they have been making applications against each other. DSP Complaint Cell Khairpur and SHO PS Pir Jo Goth in their reports have denied the occurrence of the incident, if those are believed to be true, then applicant obviously is intending to involve the private respondents in a false case by having a recourse u/s 22 A/B Cr.P.C. In these circumstances learned Ex-Officio Justice of Peace was right to decline issuance of direction against the police to record statement of the applicant for purpose of FIR at his verbatim by dismissing his application by way of impugned order, it is not found illegal to be interfered with by this Court by way of instant Crl. Misc. Application, it is dismissed in limine directing the applicant to have a recourse under section 200 Cr.P.C, if so is advised to him.

**JUDGE**

Nasim/P.A