

Order Sheet
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr. Misc. Appln No.S-675 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on MA-9227/2023
2. For orders on office objection
3. For order on MA-9228/2023
4. For hearing of main case.

25-09-2023

Mr. Nazar Muhammad Parhiar, Advocate for applicant.

ORDER

ARSHAD HUSSAIN KHAN, J.- Through instant Criminal Miscellaneous Application filed under Section 561-A Cr.P.C, the applicant has called in question the Order dated 21.08.2023 passed by learned Additional District & Sessions Judge / Justice of Peace Hala whereby the application under Section 22-A & B filed by her for registration of F.I.R was dismissed.

2. It is alleged by the applicant that on 22.03.2022 her son Khalid Mehmood left Karachi for Punjab alongwith his cousin Khalid Hameed. When they reached at Hala, she lost contact with him, and at night time Khalid Hameed called upon her on phone around 11:00 p.m. and informed that her son Khalid Mehmood has passed away. At the time of departure from Karachi, Khalid Mehmood carried cash of Rs.700,000/-, two mobile phones, one gold ring and other valuable articles. His death body was received by Khalid Hameed from Civil Hospital, and brought by him in Punjab. It is further alleged by applicant that her son has been killed by Khalid Hameed.

3. Initially, the applicant filed a complaint before SSP Complaint Cell Matiari which did not met with her prayer. She then filed application under Section 22-A & B Cr.P.C before the Justice of

Peace at Hala for registration of F.I.R which was dismissed vide impugned order; hence, this application.

4. Heard and perused the record. Before proceeding further in the matter, it would be pertinent to reproduce the relevant paragraph of the impugned order dated 21.08.2023 which reads as under:-

“.....Learned DSP complaint cell conducted inquiry and submitted the report that Khalid Hameed was close relative of the applicant residing in Khanewal Punjab while son of the applicant Khalid Mehmood was employee of Security Company Bullet Shahzor. On 22.02.2023 both of them had left Karachi on car for their village in Khanewal, subsequently one Faisal Hameed, the brother of proposed accused contacted her other son Mudasir on phone that Khalid Mehmood was died due to accident. He further informed that after accident he was removed by the proposed accused to hospital at Hala wherefrom he was referred to Hospital in Hyderabad, where he succumb his injuries. The applicant's son Mudasir and Muhammad Imran left Karachi came at Civil Hospital Hyderabad where dead body was handed over to them without postmortem and they removed it to Punjab on ambulance. The proposed accused left away from Hyderabad. The CDR of cell phone number of Khalid Hameed i.e. 03072006992 was taken out which revealed his location in District Khanewal Punjab. Learned D.S.P concluded in report that the deceased was died due to road accident, and the referral letter of medical officer also indicate said fact, and in death certificate issued by Hospital dated 22.02.2023 the cause of death was shown as cardio pulmonary arrest.”

5. From perusal of the impugned order it appears that the death of deceased has occurred due to road accident as per report given by DSP and in the Death Certificate of the deceased issued by hospital on 22.02.2023 the cause of death has been shown as cardio pulmonary arrest. Further, the report of SHO P.S Hala New has thrashed out the fact of any road accident within the local limits of PS Hala New. The lady applicant has only shown suspicion upon proposed accused Khalid Mehmood to have committed the murder of her son, which suspicion without any proof cannot be resolved by lodging F.I.R against the proposed accused. The order impugned herein has rightly been passed in which the trial Court has already

directed the SHO concerned to conduct investigation under Section 174 Cr.P.C regarding cause of death of deceased Khalid Mehmood; hence, no further direction through this application is required to be issued.

6. In view of the above, this application being devoid of merits is dismissed in limine.

JUDGE

Shahid