

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc. A. No.696 of 2022

DATE ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on MA-10789/2022
2. For orders on office objection
3. For order on MA-9350/2022
4. For hearing of main case.

08-09-2023

None present for applicant.

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ARSHAD HUSSAIN KHAN, J.- Through instant Criminal Miscellaneous Application, the applicant has assailed the Order dated 28.09.2022 passed by learned Additional Sessions Judge/Justice of Peace Hyderabad whereby the application u/s 22-A 6(i) Cr.P.C filed by the present applicant was dismissed.

2. Precisely, the case of the applicant is that there was a matrimonial dispute between the proposed accused and applicant as the son of the applicant namely Waleed contracted freewill marriage with Mst. Aisha Gul the daughter of proposed accused No.1 Iqbal and being annoyed by such un-ceremonial marriage the proposed accused lodged FIR u/s 365-B PPC against applicant's son. It is further stated that on 17.09.2022 when the son of applicant after filing application u/s 498 Cr.P.C in said FIR came out from the concerned Court premises, five unknown persons abducted him at the instigation of proposed accused and subsequently handed over his custody to SHO PS Rahuki, who involved him in a false case under Section 9(c) of Control of Narcotics Substances Act, 1997. However, when the police did not register the FIR, the applicant approached the Justice of Peace by filing an application u/s 22-A 6(i) Cr.P.C for issuance of direction against police to register FIR for the above said incident which was dismissed by learned Ex-officio Justice of

Peace vide order dated 28.09.2022 which has been impugned by the applicant in the instant proceedings.

3. Record of the case has been perused. Admittedly, there is a matrimonial dispute between the parties and the son of applicant who has been booked in a heinous offence u/s 9-C of CNS Act-1997. From a perusal of record it appears that nothing has been brought on record that unknown persons who allegedly abducted the son of the applicant have any connection either with the proposed accused or with the police, which prima facie seems that applicant in order to pressurize the proposed accused for return of Mst. Aisha Gul had moved application for registration of the FIR against them.

4. No illegality or material irregularity in the impugned order dated 28.09.2022 has been committed by the learned Ex-officio Justice of Peace which may warrant interference by this Court. Hence, this application being devoid of any merits is dismissed in limine.

JUDGE

Ahmed/Pa