

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Misc. Application No.S-343 of 2023
(*Abdul Hameed Rind v. SHO, P.S, Ubauro & others*)

Date of hearing	Order with signature of Judge.
-----------------	--------------------------------

- 1.For orders on office objections
- 2.For hearing of main case

Mr. Ali Asghar K. Panhiyar, Advocate along with applicant.
Mr. Muhammad Qayyum Arain, Advocate for proposed accused.
Syed Sardar Ali Shah, Additional P.G.

Date of Hearing & Order: **07-05-2024**

ORDER

MUHAMMAD IQBAL KALHORO, J.- This application has been filed against impugned order dated 16.05.2023, whereby application of applicant filed for registration of FIR under section 22-A6(i) CrPC against proposed accused has been dismissed.

2. Learned counsel for applicant submits that the scheme of section 154 CrPC demands that statement of applicant shall be recorded for registration of FIR. There are specific allegations against the proposed accused and interest of justice would be served only when FIR is registered.

3. His arguments have been opposed by learned counsel for proposed accused and learned APG. Learned APG has submitted that deceased was 80 years old and allegations of causing fists and kicks blows to him have been levelled against the proposed accused, which fact from the material, is not established. The opinion of doctor regarding death of deceased is declared as un-determined. Hence, no case is made out for registration of FIR.

4. I have considered submissions of parties and perused material available on record. Learned ex-Officio Justice of Peace has attended to

every aspects of the case while rejecting application for registration of FIR. Reportedly, at the instance of applicant, body of deceased was exhumed, but no marks of violence were found on him to *prima facie* lend support to the allegations against the proposed accused. The impugned order is well-reasoned and has taken into account unsubstantiated allegations against the proposed accused that in my view need not be interfered with in this Application. Learned counsel for applicant has failed to point out any other material not considered by the forum below justifying registration of FIR against the proposed accused, not the least, when he had an alternate remedy of filing Crl. Direct Complaint, which he failed to avail and instead of tried to register FIR against proposed accused at any cost.

5. This being the position, instant Crl. Misc. Application is **dismissed.**

JUDGE

Ahmad