

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Misc. Appl. No.327 of 2023  
(Muhammad Nawaz Khan v. The State and others)

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Date	Order with signature of Judge
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For hearing of main case

**10.05.2024**

Mr. Usman Farooq, advocate for the applicant  
Mr. Maqbool Rizwan, advocate for the proposed accused  
Ms. Amina Ansari, Assistant Prosecutor General for the State

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It is alleged by the applicant that the proposed accused who are police officials kidnapped, assaulted and kept him in wrongful confinement and then released him after acceptance of ransom. Based on such allegations, he by making an application u/s 22-A/B Cr.PC sought the direction against SHO PS Quaidabad Malir to record his FIR for the said incident; it was dismissed by learned Sessions Judge/Ex-Officio Peace of Justice Malir by observing that the issue of misconduct on the part of the proposed accused being police officials could only be examined by Anti-corruption Establishment vide order dated 08.05.2023, which is impugned by the applicant before this Court by making the instant application under Section 561-A Cr. PC.

It is contended by learned counsel for the applicant that it was a simple case of abduction for ransom, therefore, learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant by way of the impugned order; same being illegal is to be set

aside by this Court, which is opposed by learned Asstt. PG for the State and learned counsel for the proposed accused by contending that no incident as alleged by the applicant has taken place; the applicant is a hardened criminal of the area and to cover up his wrongdoings he intends to involve the police officials in false case.

Heard arguments and perused the record.

If for the sake of arguments, it is believed that the incident as alleged by the applicant has taken place and for that, his FIR is not being recorded by the SHO PS Quaidabad Malir then he has an alternate remedy to exhaust by filing a complaint in terms of Section 200 Cr.PC before the Court having jurisdiction; such remedy if exhausted besides being alternate would be adequate in the circumstance of the case. No illegality even otherwise in the impugned order is noticed which may justify this Court to interfere with the same.

Consequent to the above discussion, the instant Crl. Misc. Application is dismissed.

**J U D G E**