

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

Crl. Misc. Application No.S-951 of 2023

Date of hearing	Order with signature of Judge.
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Hearing of Case
For hearing of main case

26-02-2024

Mr. Safdar Ali Bhatti, Advocate for applicant.

Mr. Shafi Muhammad Mahar, Deputy P.G.

MUHAMMAD IQBAL KALHORO J., -Applicant has challenged an order dated 16.11.2023, passed by Additional Sessions Judge/ex-Officio Justice of Peace, Mirwah deciding her application under section 22(6)(i) CrPC for registration of FIR against proposed accused who are mainly police officials in the terms whereby the matter was referred by him to SSP, Khairpur to depute an officer of ASP rank to investigate the FIRs No. 75 and 76 of 2023 of P.S, Setharja registered against son of the applicant by the said police officials. In pursuance of that order, an enquiry was conducted by SDPO, City Khairpur, who has given findings as under:-

“During the course of enquiry the undersigned conducted secret as well as open enquiry, heard applicant as well as alleged respondents, perused the statement of both parties, report of SHO, case papers and reached at the conclusion that:

- On 10-10-2023 at about 1000 hours, Insp/SHO Maqsood Rasool Mahar of PS Setharja alongwith police staff and private person raided at village Ali Bux Lund, arrested Rasheed Ahmed s/o Late Allah Ditto Lund from Tada of his grandmother.
- After getting huge bribe from opponents of applicant Mst. Buddi Khatoon Lund (mother of Rasheed Ahmed Lund), he got registered a case FIR No.74/2023 against Rasheed Ahmed Lund and others at PS Setharja through HC/Nisar Hussain Shar.

- On same day in night hours he conducted police encounter through HC/Niar Hussain Shar and police staff, injured to Rasheed Ahmed Lund, registered a case FIR No.75/2023 u/s 324-353 PPC, recovered a pistol and registered a separate case FIR No.76/2023 u/s 24-Sindh Arms Act against him.

In view of the above circumstances, it appears that Insp. Maqsood Rasool Mahar SHO PS Setharja has managed a false story and after getting huge amount as bribe from opponents of applicant (Mst. Buddi Khatoon Lund), conducted a managed encounter, injured to Rasheed Ahmed Lund (applicant's son) and registered cases FIR No.75/2023 u/s 324-353 PPC and 76/2023 u/s 24-Sindh Arms Act against him, which are purely false and managed by Insp. Maqsood Rasool Mahar SHO PS Setharja".

Learned counsel for applicant submits that in view of findings, SHO, P.S, Setharja may be directed to register FIR of applicant as per her verbatim. Learned DPG has supported arguments of learned counsel for the applicant.

Accordingly, this Crl. Misc. Application is **disposed of** in the manner whereby SHO, P.S, Setharja is directed to record statement of applicant and take into consideration enquiry report dated 11.12.2023, submitted by SDPO, City Khairpur in compliance of order dated 16.11.2023 and register FIR, if cognizable offence is made out.

This Crl. Misc. Application along with pending application(s) is **disposed of**.

JUDGE