

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Misc. Application No.13 / 2024
 [Dr. Mamoonah Khatoon v. The State and 02 others]

Date	Order with signature of Judge
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FOR HEARING OF MAIN CASE.

18.03.2024

Applicant Dr. Mamoonah Khatoon in person.
 Ms. Amna Ansari, A.P.G.
 SIP Tanveer Ahmed Abbasi. PS Brigade.

ARSHAD HUSSAIN KHAN, J. Through this Cr.Misc. Application, the applicant has called in question the Order dated 23.12.2023, passed by IInd Additional District & Sessions Judge / Ex-Officio Justice of Peace, Karachi [East], whereby the application under Section 22-A and 22-B Cr.P.C. filed by the Applicant Dr. Mamoonah Khatoon was disposed of; relevant portions of the order are reproduced as follows:

“2 Herd petitioner in person, Advocate for proposed accused and perused the record. Petitioner reiterated the same facts and grounds which are already mentioned in the petition, she lastly prayed to allow the petition. Learned counsel for the proposed accused denied all the allegations levelled by the petitioner against the proposed accused. He lastly prayed to dismiss the instant petition. After perusal of police report as well as material available on record, it appears that there is civil dispute between the parties.”

“3. In view of above circumstances, respondents are directed that no one shall take action against the petitioner without due course of law. The application is disposed of accordingly.”

Pursuant to the notice, respondent No.2, SHO Police Station Brigade, Karachi, files reply, which is taken on the record and copy of the same has been provided to the Applicant, present in person. The relevant portion of the aforesaid Report is reproduced herein below:

“2. Furthermore, ASI Aijaz Ahmed contacted with alleged person and recorded his statement. According to the statement, he gave his house to above-named lady on rent for Rs.7000/- per month. On the issue of water, said lady became aggressive and area people gathered, later said lady locked house went away and not paid one month rent. Further, area people also verified the statement of Naeem Malik and stated that allegations raised by applicant are not based on the facts. Additionally, Naeem Malik stated that he is old age, patient of blood pressure & diabetes. The applicant is taking advantage being woman and raising baseless allegations.”

During the course of hearing when the Applicant was asked to show any tenancy agreement, or the evidence / proof of her allegations mentioned in the instant Cr. Misc. Application, she has failed to give any plausible explanation. She has failed to justify her stance in the case and has also failed to point out any illegality and/or infirmity in the impugned order, which could warrant any interference by this Court.

Record reflects that the learned Additional & Sessions Judge, Karachi [East] while passing the impugned order has taken into account the Report submitted by the police; which has been reproduced hereinabove.

Perusal of the impugned order, shows that no illegality is committed by learned Additional District & Sessions Judge, Karachi [East] while passing the impugned order, which may justify this Court to make interference with it in exercise of its inherent jurisdiction. Consequently, instant Criminal Miscellaneous Application is dismissed being devoid of any merit.

JUDGE

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