

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Crl. Misc. Application No.S-875 of 2023**  
*(Mst. Nazish Farooque Vs. The State & others)*

<b>DATE OF HEARING</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For Orders on office objection.
2. For Orders on MA No. 7349/2023 (Ex./A)
3. For hearing of main case.

**18-03-2024.**

Syed Israr Ahmed Shah advocate for the applicant.

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1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged by the applicant that Sohail Hassan Shah in collusion with rest of the culprits by practicing fraud and cheating married her, subjected her to rape and then driven her out from his house by refusing to accept her as his wife. On the basis of such allegation, she after having a recourse u/s 22 A/B Cr.P.C lodged an FIR with PS A-Section Ghotki. On investigation, it was recommended by the police to be cancelled under "B" class, however it was cancelled under "C" class by learned Ist Judicial Magistrate Ghotki vide order dated 31-10-2023, which is impugned by the applicant before this Court by preferring the instant Crl. Misc. Application u/s 561-A Cr.P.C.

It is contended by learned counsel for the applicant that the impugned order is non-speaking is liable to be examined by this Court.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of 19 days even after issuance of direction for its recording by learned Ex-Officio Justice of Peace, such delay having not been explained plausibly could not be over looked. The recommendation of the police for cancellation of the subject FIR under "B" class is based on honest investigation. Learned trial Magistrate by cancelling subject FIR under "C" class has obviously favoured the applicant. No illegality even otherwise is notice in the impugned order is noticed, which may justify this Court to interfere with the same by way of instant Crl. Misc. Application u/s 561-A Cr.P.C. It is dismissed in limine directing the applicant to have a recourse u/s 200 Cr.P.C if so is advised to her.

Order accordingly.

**Judge**