

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**CrI. Misc. Application No.S-932 of 2023**  
*(Anwar Ali & another Vs. The State & others)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on MA No. 7798/2023 (Ex./A).
2. For hearing of main case.
3. For Orders on MA No. 7799/2023 (Stay)

**02-04-2024.**

Mr. Abdul Qadeer Khoso, advocate for the applicants.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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1. Granted subject to all just legal exceptions.
- 2&3. It is alleged by private respondent that the applicants and others dragged him and his father out from their car with intention to abduct them and then went away by threatening them to be involved in false cases. On the basis of such allegation, the private respondent by making an application under section 22 A/B Cr.P.C sought for direction against the police to record his FIR; it was issued by learned IInd Additional Sessions Judge/Ex-Officio Justice of Peace, Ghotki vide order dated 18-12-2023, which is impugned by the applicants before this Court by way of instant CrI. Misc. Application u/s 561-A Cr.P.C.

It is contended by learned counsel for the applicants that no incident as alleged by the private respondent has taken place and he is intending to involve the applicants in a false case only for the reason that they discharge their lawful duty against him as a public servants. By contending so, he sought for setting aside of impugned order.

None has come forward to advance arguments on behalf of the private respondent; however learned Deputy P.G for the State did not support the impugned order.

Heard arguments and perused the record.

None has been abducted. No criminal case is registered by the applicants against the private respondent. The SHO PS Daharki has denied the occurrence of the incident. In that situation learned Ex-Officio Justice of Peace ought not to have directed the police to record statement of the private respondent for purpose of FIR by way of impugned order. It is set aside.

In case of *Rai Ashraf and others vs. Muhammad Saleem Bhatti and others* (PLD 2010 S.C 691), it has been held by Apex Court that;

*“The learned High Court had erred in law to exercise discretion in favour of the respondent No.1 without realizing that the respondent No.1 had filed application before the Additional Sessions Judge/Ex-Officio Justice of the Peace to restrain the public functionaries not to take action against him in accordance with the LDA Act 1975, Rules and Regulations framed thereunder, therefore, respondent No.1 had filed petition with mala fide intention and this aspect was not considered by the learned High Court in its true perspective.”*

In view of above, the instant Crl. Misc. Application fails and it is dismissed accordingly.

**Judge**