

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. Appln. No. S – 575 of 2023

Date of hearing	Order with signature of Judge
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Hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case.

25.10.2024

Mr. Shamsuddin Rajper, Advocate for the Applicant
Mr. Khalil Ahmed Metlo, Deputy PG for State

ORDER

ZULFIQAR ALI SANGI, J:- Through instant Criminal Miscellaneous Application, the applicant has impugned the order dated 22.07.2023 passed by Additional Sessions Judge/Ex-Officio Justice of Peace, Gambat on the application filed by the applicant under Section 22-A & 22-B CrPC for registration of FIR in respect of a cognizable offence alleged to have committed by the proposed accused.

It is contended by learned counsel for the applicant that the proposed accused have committed a cognizable offence, therefore, they are liable to be prosecuted under the law; that the learned Ex-Officio Justice of Peace without considering the gravity of the facts as narrated by the applicant has passed the impugned order; that on the same facts the learned Ex-Officio Justice of Peace has allowed the like nature application filed by one of the proposed accused seeking registration of FIR against the present applicant. He lastly contended that the impugned order is liable to be set-aside.

Heard learned counsel for the applicant and learned Deputy PG for the State and perused the material available on record. A perusal of both the applications reflects that almost on the same facts they approached to the learned Ex-Officio Justice of Peace for registration of FIR against each other; however, the learned Ex-Officio Justice of Peace allowed the application filed by one of the proposed accused while dismissed the application filed by the present applicant. No cogent reason has been assigned in the impugned order for dismissing the application of the applicant, however the reasons on which application was dismissed are applicable for both the parties, but one application was allowed and the other was dismissed. The law provides that the equal treatment should be provided to both the parties. Consequently, the instant Criminal Miscellaneous Application is allowed impugned order is set-aside. Respondent No.2/SHO Police Station, Ranipur is directed record the statement of applicant and if cognizable offence from narration is made out then to register the FIR against the proposed accused.

Judge

ARBROHI