

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

CrI. Misc. Appln. No.S- 86 of 2023

Date	Order with Signature of Hon'ble Judge
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Hearing of case

1. For order son office objection at flag 'A'
2. For hearing of main case

24.10.2024.

Mr. Ghulam Shabbeer Shar, Advocate for the Applicant
Mr. Irshad Hussain Dharejo, Advocate for proposed
accused
Mr. Khalil Ahmed Metlo, Deputy PG for State

ORDER

ZULFIQAR ALI SANGI, J. Through instant Criminal Miscellaneous Application, the applicant has challenged the order dated 10.01.2023, passed by the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace, Sukkur, whereby he has dismissed the Criminal Miscellaneous Application No.11 of 2023, filed by the applicant for registration of F.I.R against the proposed accused.

2. Learned counsel for the applicant submits that the proposed accused have committed a cognizable offence intruded into the house of applicant pretended to be SHO PS Rohri, duly armed with deadly weapons and caused harassment, torn clothes of the complainant and then kidnaped her brother namely Muhammad Ibrahim, issued threats of dire-consequences to her family members. It is further contended that on the next date, the applicant approached the concerned SHO but no action was taken, hence she approached the Court of Sessions Judge, Sukkur by filing an application U/s 491, CrPC praying for recovery of her brother, whereas, on 29.12.2022, her brother made

escape from the custody of the police and then appeared at PS Rohri along with his uncle Ghous Bux and such mashirnama was prepared by ASI Sher Ali Soomro in presence of Ghulam Ali and Asadullah, even then the SHO refused to register the FIR on the pretext that matter is pending before Sessions Judge, Sukkur. He lastly contended that the proposed accused persons have committed a cognizable offence, therefore, they are liable to be prosecuted under the law, hence prayed for setting aside the impugned order.

3. Learned Counsel for the proposed accused as well as learned Deputy PG for the State supported the impugned order by contending that the applicant has managed a false story, therefore, she is going to register a false criminal case against the private respondents, therefore, they prayed for dismissal of the instant criminal miscellaneous application.

4. Heard learned counsel for the applicant, learned counsel for proposed accused and learned Deputy PG for the State and have perused the material available on record with their able assistance.

5. Perusal of impugned order reveals that the learned Ex-Officio Justice of Peace by passing the same has assigned valid reasons hence, the same does not call for any interference by this Court. Consequently, the instant Criminal Miscellaneous Application fails and it is dismissed. However, the applicant is at liberty to file direct complaint of the incident, if so advised.

Judge