

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.849 of 2024
(Munawar Rehman Memon v. Senior Superintendent Sujawal and another)

Date	Order with signature of Judge
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For hearing of main case

21.10.2024

Mr. Fayyazuddin Rajpar, advocate for the applicant
Ms. Seema Zaidi, Additional Prosecutor General for the State
SI Muhammad Nawaz of PS Chohar Jamali

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By leveling an allegation of harassment and trespass, the applicant by making an application u/s 22-A/B Cr.PC sought the direction against SHO PS Chuhar Jamali to record his FIR; it was dismissed by learned Sessions Judge/ Ex-Officio Justice of Peace Sujawal vide order dated 03.08.2024, which the applicant has impugned before this Court by making the instant application u/s 561-A Cr. PC.

It is contended by learned counsel for the applicant that the cognizable offence has taken place, therefore, learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant by way of the impugned order, therefore, the same being illegal is to be examined by this Court.

Learned Additional Prosecutor General for the State has sought dismissal of the instant Crl. Misc. Application by supporting the impugned order.

Heard arguments and perused the record.

As per report furnished by the police, no incident as alleged by the applicant has taken place. As per impugned order, the applicant and proposed accused are disputed over inheritance of the property. Probably, the applicant in order to satisfy his civil dispute with

proposed accused is intending to involve them in criminal case; it constitutes an act of malafide on his part. In these premises, learned Ex-Officio Justice of Peace was right to dismiss the application of the applicant by way of the impugned order, which is not found illegal to be interfered with by this Court.

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.”

Consequent to the above discussion, the instant Crl. Misc. Application is dismissed accordingly.

J U D G E