

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Misc. Appl. No.1044 of 2024  
(Muhammad Javed v. Station House Officer of PS Khokhrapar and others)

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Date	Order with signature of Judge
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1. For orders on MA No.14028/2024
2. For orders on MA No. 14029/2024
3. For hearing of main case

**21.10.2024**

Mr. Zubair Ahmed Sahito, advocate for the applicant

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1. Urgency granted.
2. Granted subject to all just exceptions.
3. It is alleged by the applicant that the proposed accused have stolen his cow which they have failed to return even after acceptance of *bhung* money. Based on such an allegation, the applicant by making an application u/s 22-A/B Cr.PC sought the direction against SHO PS Kokharapar Karachi to record his FIR for the said incident; it was dismissed by learned IVth- Additional Sessions Judge/ Ex-Officio Justice of Peace Karachi East vide order dated 28.09.2024, 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.

Heard arguments and perused the record.

As per impugned order, the applicant and proposed accused are litigating with each other on civil side. 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 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 *limine*.

**J U D G E**

Nadir\*