

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Cr. Misc. A. No. S — 585 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

18.10.2024.

FOR ORDERS ON OFFICE OBJECTION.
FOR HEARING OF MAIN CASE.
FOR HEARING OF M.A. 9565/2024.

Mr. Naseer A. Narejo Advocate for Applicant.
Mr. Abdul Salam Advocate for Respondent No.3.
Ms Sana Memon, A.P.G.

Through this Application under Section 561-A Cr.PC, the Applicant has impugned the Order made on 02.09.2024 by the Additional Sessions Judge-IV/Justice of Peace Dadu, allowing Criminal Miscellaneous Application No.2075 of 2024 filed by the Respondent No.3 under Section 22-A & B Cr.P.C. so as to direct the S.H.O. Police Station 'A' Section Dadu to record his Statement according to law in terms of Section 154 Cr.P.C and register an FIR accordingly if a cognizable offence stands made out therefrom.

A perusal of the underlying Application and aforementioned Order made thereon reflects that the substance of the allegations was that the Applicant and other persons arrayed as proposed accused are alleged to have sodomized the Respondent No.3's minor son, aged 15 to 16 years, on 02.08.2024 under threat and by force of arms, with the learned Additional Sessions Judge being pleased to dispose of the Application in the manner aforementioned after making certain preliminary inquiries in the matter.

Learned Counsel for the Applicant contended that there was a civil dispute pending between the parties and the Applicants had been falsely implicated without any documentary proof by way of medical evidence submitted as corroboration of the facts alleged. Conversely, learned Counsel for

the Respondent No.3 as well as learned APG submitted that the allegations set out the elements of a cognizable offence and constituted sufficient grounds for setting the criminal justice system in motion by was registration of an FIR, following which an investigation would ensue so as to bring the relevant facts to light.

Having considered the matter, it appears that no ground has been raised so as to warrant interference by this Court at this stage, as the veracity of any fact that has been alleged for the purpose of the complaint under Section 22-A & B Cr.P.C. would stand to be established through a fair and impartial investigation following the FIR. Consequently, the instant Application stands dismissed.

JUDGE

A.