

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.652 of 2021.

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Date:           Order with signature(s) of the Judge(s)  
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For Hearing of Case.

23<sup>rd</sup> August, 2022.

Applicant is present in person.  
Mr. Abdul Qayyum Khan advocate for proposed accused.  
Mr. Zahoor Shah, DPG.

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Heard respective parties. Admittedly, applicant approached ex-officio justice of peace for lodgment of FIR as well as protection though learned trial judge declined the request of FIR, however, protection was provided. Being relevant, the last paragraph of order is reproduced as under:

***"From perusal of instant application, report of SHO and documents annexed with instant application that proposed harassed the applicant and her husband to withdraw from her case. The report of SHO of PS Ferozabad shows that FIR No.87/2021 under section 506/504/25-D Telegraph Act has been registered against the proposed accused regarding the same incident, inspite of that applicant filed this petition in order to pressurie the proposed accused, therefore, petition of the applicant is not maintainable, and this application merits non consideration and stands dismissed the prayer clause of lodging of FIR, while the protection is fundamental right, is directed to provide full protection to the applicant from the hands of proposed accused persons above named in accordance with law under intimation to this court and restrained the proposed accused, who are extending threats to applicant and to restrain them from harassing, pressuring and black mailing to applicant, therefore, prayer clause regarding protection is allowed. The application is disposed of accordingly".***

Needless to mention that in the case of Muhammad Younus reported in PLD 2016 SC 580 apex court has held that ex-officio justice of peace is required to adjudicate the issue. Admittedly the matter was adjudicated by the trial court and rightly application filed by the applicant was turned down with respect to another FIR against the applicant, applicant is facing trial, hence, parties may pursue their remedy according to law.

In view of above, instant Cr. Misc. Application is dismissed.

JUDGE