

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.S-935 of 2013.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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05.9.2014.

For Katcha Peshi.

Mr. Fida Hussain Shah, advocate for the petitioner.

Mr. Imtiaz Ali Jalbani, Asst. Prosecutor General.

Mr. Asif Hussain Chandio, advocate for respondent No.5.

The petitioner has filed this petition against private respondents No.5 to 6 alleging that they are influential persons of the locality and are trying to compel the petitioner to leave the locality. He has annexed as many as 17 F.I.Rs, copies of the same are attached as annexures "A" to "A-16", however, in all the F.I.Rs the petitioner has been nominated. He submits that all these are false and fabricated F.I.Rs and the main purpose of lodging of these F.I.Rs is to oust the petitioner and his family members from the locality, where they are residing. It is stated that in almost 7 to 8 cases the petitioner has been acquitted.

Learned Counsel appearing for the respondent No.5 submits that in most of the F.I.Rs the petitioner has not been nominated and it is only in some of the F.I.Rs where a role has been assigned and in such way as has been prayed for the respondents or any person cannot be restrained from lodging F.I.R if a case is made out. He, however, concedes that if a false F.I.R is registered, the law will take its own course. He concedes that no harassment shall be caused to the petitioner through the official respondents.

On the other hand, learned Asst. Prosecutor General submits that scope of this petition is of general nature. If at all the petitioner complains that a false F.I.R has been registered by the influential persons of the locality, the law will take its own course in terms of Section 154 & 155, Cr.P.C and an enquiry may be conducted by the investigating officer and the investigating officer would have to ascertain whether a false case has been registered and the process would commence in terms of Section 182, PPC. He further submits that almost all the cases have been challaned and in terms of the Criminal Procedure Code a way-out mechanism is provided as reported in PLD 2004 SC 298.

I have heard the learned Counsel and perused the record.

It appears that a number of F.I.Rs have been lodged against the petitioner, where in some of the cases a role has been assigned, however, as stated by the learned A.P.G., most of the cases have been challaned and the petitioner may follow due process of law by moving an application, which he has done as he has stated that in some of the cases he has been acquitted. However, it cannot be ascertained as to whether any false case is being registered against the petitioner or his family members since such record is not available.

However, I deem it appropriate to dispose of this petition with direction to the respondents and on assurance of Counsel for respondent No.5 who have ensured that they shall not lodge any false F.I.R, however, in case

such is done, the law will take its own course and after investigation if the investigating officer comes to the conclusion that some false F.I.R has been lodged, he may proceed in terms of the provisions of the Criminal Procedure Code, which may include Section 182, PPC. Needless to mention that in case any of the F.I.R after the investigation comes out to be false and fabricated, then the provisions and proceedings under Section 182, P.P.C are inevitable and if any investigating officer is found to have not complied with such terms, strict action in this regard may be taken. Since the private respondents have already assured that no false F.I.R will be registered, the official respondents should be more vigilant in case any such F.I.R is lodged. With these observations the petition is disposed of.

JUDGE