

IN THE HIGH COURT OF SINDH AT KARACHI

Present
Mr. Justice Amjad Ali Sahito

Criminal Misc. Application No.756 of 2024

Applicant : Akhtar Ayub Khan S/o Raja Khan
through Mr. Tehseen Manzoor Rajput,
Advocate

Respondent : For State:
through Ms. Rahat Ahsan, Addl. P.G.
Sindh a/w SIP/SHO Mazhar Kango of PS
Baloch Colony

For Respondent No.5
through Mr. Fawad Ali Khichi, Advocate

Date of Hearing : 17.03.2025.

Date of Order : 17.03.2025

ORDER

AMJAD ALI SAHITO, J - Through the instant Crl. Misc. Application, the applicant has impugned the order dated 24.07.2024 wherein Vth Additional District & Sessions Judge, Karachi South directed the SHO concerned to record the statement U/s 154 Cr.P.C. of the applicant/Respondent No.5 and if cognizable offence is made out then incorporate the same in the Book and proceed further.

2. Per learned counsel for the applicant, after filing of this application, report was called from concerned authorities however, on the basis of report filed by the Nazir, the possession has been handed over to the Respondent No.5; that the impugned order is non-reading and misreading of the fact. Lastly, he prays for allowing the instant Crl. Misc. Application.

3. On the other hand, learned counsel for the respondent No.5 as well as learned Addl. P.G. supported the impugned order and submits that the same is well-reasoned.

4. Heard and perused the record.

5. From perusal of the record it reflects that husband of respondent No.5 owned Plot No.210 Manzoor Colony Sector-1, Al-Mukhtiar Road, Karachi; however, after his death in the year 2021 she came to know that some gunda elements have occupied over the property in question and malafdiely removed the shades which were installed by her husband. It is appropriate to reproduce relevant para of the impugned order, which reads as under:

“The contents of application and the allegation made therein, it shows that cognizable offence has been made out, hence instant Criminal Misc. Application is allowed and the Station House Officer, Police Station Baloch colony is directed to record the statement under section 154 Cr.P.C. of applicant which is legal duty of the Station House Officer and if from the statement of the applicant, a cognizable offence is made out against proposed accused within his jurisdiction; then to proceed in accordance with law.”

6. Since it is the right of the every citizen to record his statement under Section 154 Cr.P.C. and the Station House Officer is duty-bound to lodge the FIR, if cognizable offence is made out. Therefore, learned counsel for the applicant has failed to point out any irregularity or illegality in the impugned order. Resultantly, the instant Crl. Misc. Application is dismissed.

JUDGE

Kamran/PA