

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

Criminal Miscellaneous Application No.S-314 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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05.06.2023

Mr. Nihal Khan Lashari advocate for applicant.

Mr. Nazar Muhammad Memon, Addl.P.G Sindh along with
SIP Shoukat Ali Malokhani SHO PS A Section Tando
Allahyar, SIP Umaid Ali Lakho, ASI Mujeeb Rehman and
WHC Munawar Jut.

MUHAMMAD IQBAL KALHORO, J.- Applicant filed an application u/s 22-A(6) & B CrPC seeking directions to SHO PS A-Section Tando Allahyar to lodge FIR against proposed accused who are police officials and legal protection by respondents who are also police officials. This application was heard by 1st Additional Sessions Judge / Ex-Officio Justice of Peace Tando Allahyar and vide order dated 03.05.2023 has been dismissed on the ground that applicant has alternate remedy of direct complaint u/s 200 CrPC, and, further, prima facie there is no proof of allegations against the proposed accused.

2. A perusal of application and impugned order shows that applicant has leveled allegations of torture to her father by the proposed accused when he was arrested in FIR Crime No.84/2023 and subsequently in FIR Crime No.89/2023 registered at PS A-Section Tando Allahyar illegally and was recovered on her filing of application u/s 491 CrPC.

3. I have heard the parties. Learned Additional Prosecutor General Sindh has opposed this application on the ground of availability of alternate remedy to applicant. Whereas, learned counsel for applicant has requested for directions for registration of FIR.

4. I have seen the impugned order which is based on cogent reasons. Learned Judge has discussed entire controversy and has even referred to medical examination of father of the applicant which bears no mark of violence upon him negating prima facie the allegations leveled against proposed accused. The learned Judge has also quoted some case law in support of his findings that in

the given circumstances no direction to register FIR against the proposed accused can be given, which I do not find perverse and warranting any interference. Be that as it may, the applicant has equally efficacious and adequate remedy available in the shape of provisions of section 200 CrPC which she can avail for redress of her grievance. This being the position, I do not find any merit in this application which is accordingly dismissed.

JUDGE

Ali Haider

