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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Misc. Appln. No.S-43 of 2024
C. P. No.S-166 of 2023

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
06.06.2024.	

Mr. Muzaffar Ali Wadhio, advocate for the applicant in Cr.M.A. No.S-43 of 2024.

Mr. Inayatullah G. Morio, advocate for the petitioner in C. P. No.S-166 of 2023.

Mr. Munawar Ali Abbasi, Asst. A.G.

Mr. Aitbar Ali Bullo, DPG.

Learned Counsel for the parties have been heard in both these matters, wherein the Constitutional Petition was apparently filed on account of the concerned SHO not complying to the order obtained by the petitioner from the learned Justice of Peace under Section 22-A(6) & 22-B, Cr.P.C, whereas the Criminal Miscellaneous Application has been filed by one of the persons against whom the allegations have been made in the aforementioned proceedings.

Learned Counsel for the petitioner contended that the said petition has been filed as the SHO is failing in his duty in accordance with law and complying to the order, as the application was disposed of requiring statement of the petitioner to be recorded and in case an offence is made out, proceedings be taken accordingly. He further submits that in said proceedings subsequently the SHO had appeared and made a statement that in case the petitioner records his statement, FIR shall be lodged. He also contends that criminal miscellaneous application has been filed in order to restrict the proceedings by challenging the order whereby the lodging of the FIR was made available.

Learned Counsel for the applicant in criminal miscellaneous application however contends that the said applicant was not made party

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nor heard in the matter and that MLO's report as submitted shows that the version as brought forward on part of the complainant in the matter was not so correct. I am refraining myself from passing any comments on account of the following order having been agreed fearing not to prejudice the case of any part at this stage.

Learned Counsel for the applicant as well as learned Counsel for the petitioner eventually agreed that both the matters be disposed of direction that it be assured on part of the officials that in case FIR is lodged as per the version of the complainant, the applicant of Cr. Misc. Application No.S-43/2024 namely Ahsan Ali son of Munawar Ali be not arrested as long as the investigating officer is not having available with him sufficient material in this regard. The said protection being available, due course of law is liable to be exercised. Both these matters stand disposed of as such. Learned Counsel for the petitioner states that some time-bound directions be given. In case failure of proper response within a reasonable time is not made available, let the learned Justice of Peace as well as the concerned Magistrate exercise their available powers in this regard in the first instance; however, in failure thereof, approach to this Court shall be available.


JUDGE

Gazi Tahir PA