| Date | Order with signature of Judge |
|------|-------------------------------|

16-04-2019

For hearing of main case

Mr. Sajjad Hussain Kolachi, Advocate for the applicant
Mr.Shafi Muhammad Mahar, DPG

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Impugned in this Criminal Miscellaneous Application is an order dated 13.12.2018, whereby learned 1st Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur disposed of Cr.Misc.Appl.No.5172/2018, filed by the applicant against the proposed accused, after considering the report of S.H.O. Police Station A-Section, Khairpur by directing the applicant to avail alternate remedy of filing Direct Complaint against the proposed accused before the Court of law, if she so desires.

Heard learned counsel for the applicant and learned DPG and perused the impugned order.

It appears that the learned Ex-officio Justice of Peace passed the impugned order after observing the fact that there is a dispute between the parties over amount and the S.H.O. Police Station A-Section, Khairpur in his report has negated the contents of the application by claiming that no such incident has taken place within his jurisdiction as alleged by the applicant. Hence, apparently no tangible material is available to support the allegation of the applicant that the incident as alleged by her in her criminal miscellaneous application has actually taken place. It may be observed that it is prudent and advisable for an Ex-Officio Justice of Peace to call for report of the Officer Incharge of the Police Station in respect of complaints of this nature before taking any decision his own in that regard so that he may be apprised of the reasons why the local police did not register a criminal case in respect of the complainant's allegations.

Under such circumstances, the learned Ex-officio Justice of Peace has rightly passed the impugned order directing the applicant to avail alternate remedy available to her by filing direct complaint against the proposed accused.

This criminal miscellaneous application being devoid of merits is dismissed Accordingly.

JUDGE

Suleman Khan/PA