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IN THE HIGH COURT OF SINDH CIRCUIT COURT,
LARKANA.

(1) Cr. Misc. Appln. No. 3-107 of 2023.

Applicant: Mst. Hurmat Khatoon Khoso, through Mr. Abdul Ghani Bijarani Advocate.

Proposed accused No.1 to 3. Through, Mr. Rafique Ahmed K. Abro, Advocate.

(2) Cr. Misc. Appln. No. 3-110 of 2023.

Applicant: Abdul Rasheed Khoso, through Mr. Khadim Hussain Khoso, Advocate.

Proposed accused No.7 &11. Through, Mr. Rafique Ahmed K. Abro, Advocate.

The State: Through Mr. Ali Anwar Kandhro, Additional Prosecutor General.

Date of hearing: 22.03.2024.

Date of order: 22.03.2024.

ORDER

Muhammad Saleem Jessar, J:- Through these Criminal Miscellaneous Applications the applicants named above seek set-aside of the Orders dated 21.03.2023, passed by learned Additional Sessions Judge-I, Kandhkot, in capacity of Ex-Officio/Justice of Peace, whereby applications [Cr. Misc. Appln. No. 08 and 09 of 2023] filed by both applicants in terms of Section 22-A & 22-B Cr.P.C, seeking registration of a criminal case/ F.I.R, against the proposed accused, were dismissed separately.

2. It appears that, through these criminal miscellaneous applications the applicants are seeking directions to police authorities for registration of second F.I.R in respect of a police encounter, i.e. F.I.R No.10 of 2023 of P.S Tangwani, wherein the brother of applicant Abdul Rasheed Khoso, namely, Abdul Sattar and son of applicant Mst. Hurmat Khatoon Khoso, namely, Shahid alias Shahoo were murdered.

3. The learned counsel for the applicants after arguing the matter at some length submit that, they would be satisfied and would not press this criminal miscellaneous application, if the Investigation Officer of case/ F.I.R No.10 of 2023 and SHO of P.S Tangwani (*District Kashmore @ Kandhkot*) are directed to record statements of both applicants and their witnesses in terms of Section 161 Cr.P.C. and take on record the evidence/ material available with the applicants in the same case in view of case of *Mst. Sughran Bibi v. The State* reported in **PLD 2018 Supreme Court 595**; and after thorough investigation/ enquiry put such version of applicants

and their witnesses as well as the material/ evidence produced by them, before the learned trial Court in shape of Report under Section 173 Cr.P.C or Subsequent Report (in case, if the challan in the case has already been filed). Order accordingly.

4. However, in addition to above, the applicants would also be at liberty to avail alternate remedy in shape of filing a direct complaint of the matter before the Court having jurisdiction, if advised so.

5. This criminal miscellaneous applications stand disposed of in the above terms and the impugned Orders dated 21.03.2023, passed by learned Additional Sessions Judge-I, Kandhkot Shahdadkot in capacity of Ex-Officio/Justice of Peace, in Crl. Misc. Appln. No. 08 and 09 of 2023, are hereby set-aside.

Judge

Ar. 201