

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Misc. Application No.S-210 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For katcha peshi.

25.06.2018.

Mr. Badal Gahoti, Advocate for applicants.
Ms. Sobia Bhatti, Assistant P.G.

ORDER

AMJAD ALI SAHITO, J:- Through this Criminal Miscellaneous Application, the applicants have impugned the legality and propriety of the order dated 25.04.2018 passed by the learned Additional District & Sessions Judge / Ex-Officio Justice of Peace, Hala in Miscellaneous Application No.210 of 2018, whereby application under Section 22-A&B Cr.P.C filed by the applicants was dismissed.

2. Concisely, the facts leading to the present application are that the applicants filed an application under Section 22-A & B Cr.P.C alleging therein that brother of grandfather of the applicants; namely Muhammad Sulleman purchased a plot admeasuring 6040 Sq. Ft out of Survey No.86/1, 2, 3 in the sum of Rs.11500/- from one Haji Amanauallah Jamali in the year 1977 and in this regard the written agreement was held on 15.02.1979 and construction was made over the said plot. Thereafter, he died in the year 1989 and left behind his widow Mst. Hawa and brother Muhammad Hassan. Subsequently, one Juma purchased

single room of the said house and applicant No.2 Kadero purchased three shops constructed over the said plot. On 19.04.2018 when Juma was available at his house at that time the respondents No.3 to 8 / proposed accused armed with weapons entered into the shops of Kadero and on the force of weapons they looted 20 bags of wheat worth Rs.60,000/- and 40 bags of fertilizer of Urea valuing Rs.65,000/-, so also other valuable articles lying there and thereafter they went away by issuing threats to the applicants to vacate the shops. Thereafter, the applicants approached the concerned P.S for lodging of FIR, however, the concerned SHO refused, hence this miscellaneous application.

3. Learned Counsel for the applicants contended that the impugned order is against the law, equity and principles of natural justice; that the learned trial Court while passing the impugned order has furnished its opinion that the dispute between the parties is of civil and family nature but the said ingredient do not deprive the applicants from their legal and legitimate right; that the applicants appeared at Police Station Saeedabad for lodgment of FIR but the SHO refused to lodge such FIR; that the applicants due to severely harassment caused by the respondents / proposed accused could not make any complaint to any authority; that if the applicants are made to kneel down before the evil designs of the respondents / proposed accused, they will be dragged in criminal cases as the proposed accused are continuously harassing the applicants for dire consequences, hence, the impugned order may be set-aside by

directing the SHO P.S Saeedabad to record the statement of applicants, if cognizable offence is made out then incorporate the same in 154 Cr.P.C book as per verbatim of applicants.

4. Learned A.P.G submits that the order impugned by the learned Counsel for the applicants has rightly been passed by the learned trial Court and the same does not call for any interference.

5. Heard learned Counsel for the applicants as well as learned A.P.G and perused the material available on record.

6. It is an admitted position that the dispute between the parties is of civil nature and in this regard the learned trial Court while passing the order has directed the SHO P.S Saeedabad to provide legal protection to the applicants, which is fundamental right of every citizen, by directing the parties to redress their grievances before the competent forum. Since the trial Court has performed the liabilities under the ambit of law, therefore, the order passed by the learned trial Court cannot be interfered in the manner being taken by the applicants in the present application, hence, the instant Criminal Miscellaneous Application is without any substance and accordingly the same is dismissed being meritless with direction to the applicants to file direct complaint before the competent forum, if so advised.

JUDGE