

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Crl. Misc: Application No.150 of 2019**

Date	Order with signature of Judge
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**Present: Mr. Justice Nazar Akbar**

**Fresh Case**

1. For orders on M.A No.3182/2019 (U/A)
2. For orders on office objection at "A"
3. For orders on M.A No.3183/2019 (Ex/A)
4. For hearing of main case.
5. For orders on M.A No.3184/2019 (Stay/A).

*Akbar Ali*

vs.

*The State & others*

**08.04.2019**

Ms. Naheed Parveen, advocate for the applicant.

**NAZAR AKBAR, J.** Through this Crl. Misc: Application the applicant has challenged the Summary Order dated **11.02.2019** passed by the learned VI- Civil Judge and Judicial Magistrate, West Karachi, whereby the trial Court has disposed of FIR No.375/2018 registered at P.S Iqbal Market, under Sections 506-B/34 PPC in clause "A".

2. Learned counsel for the applicant contended that the applicant has lodged FIR after filing application under Section 22-A and B of the Cr.P.C against the accused/Respondents No.4 to 7 stating therein that Respondent No.4, who is ex-wife of applicant alongwith his brothers caused harassment and extended threats to him. She has further contended that the police has submitted report under Section 173 of the Cr.P.C which is illegal and ultra vires and arbitrary as contrary to the actual facts and analysis on the basis of which the trial Court has disposed of FIR in clause "C". She argued that the trial Court has passed the impugned on surmises and

conjectures and without appreciating evidence and the facts of the case as such the impugned order is liable to be dismissed.

3. I have perused the impugned order in which the trial Court has observed that:-

*During investigation the concerned I.O has failed to collect the material against the accused persons. The statements of PWs revealed that dispute between the parties are over matrimonial issue. further record reveals complainant is an ex-husband of accused Ms. Shaheena D/o Shakir Khan and other accused namely Rashid s/o Shakir Khan, Asif s/o Shakir Khan, Arif s/o Shakir Khan are his brother in laws hence the matter is of family nature but it appears that Complainant in order to put extraordinary pressure upon the accused persons lodged instant F.I.R. Record also reveals that there is inordinate delay of more than four months in lodging the F.I.R. which shows malafide intention on the part of the complainant. As far as the offence under Section 506(ii) PPC is concerned, mere threat is not sufficient to constitute the offence unless it is caused that person to do an act who was not legally bound to do or to omit to do any act which that person was legally bound to do.*

The above order clearly reflects that the dispute between the parties is of family nature and no case for taking cognizance against the accused/Respondents was made out before the trial Court, therefore, no case is made out to interfere with the impugned order passed by the learned trial Court.

4. In view of the above, instant Criminal Miscellaneous Application is dismissed in limini alongwith pending applications.

JUDGE