

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Misc: Application No.366 of 2018

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

1. For orders office objection at "A".
2. For hearing of main case.

Shakeel Hussain and others *vs.* *Nasir Khan & others.*

15.04.2019

Mr. Azmat Hussain, advocate for the applicants.
Mr. Shamshad Ali Qureshi, advocate for Respondents.
Ms. Seema Zaidi, DPG.

NAZAR AKBAR, J. Through this Crl. Misc: Application the applicants have challenged the order dated **24.11.2018** passed by the III-Additional District and Sessions Judge/Ex-Officio Justice of Peace, Malir Karachi in Criminal Petition No.1509/2018, whereby the application under Section 22-A of the Cr.P.C filed by respondent No.1 for registering an FIR was allowed.

2. Learned counsel for the applicant contended that there is a civil dispute between the parties and the applicants have filed a civil Suit bearing No.2043/2018 before this Court and on receiving notice of the said suit by Respondents, they became annoyed and filed the said application for lodging of FIR before the trial Court and the trial Court has passed the impugned order in fanciful manner, therefore, the same is liable to be set aside.

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

Since the petitioner in his petition has alleged the allegation of cognizable offence, therefore he has got prima facie case for recording statement under section 154 Cr.P.C. The S.H.O P.S Ibrahim Hyderi

is required to record the statement of petitioner and dispose of the same according to law. The S.H.O P.S Ibrahim Hyderi is also directed to provide legal protection to the petitioner and members of Masjid for which the S.H.O is already duty bound under the law. In view of above directions, the instant petition stands disposed of.

The above order clearly reflects that it is the duty of police to have registered the case against the applicants and to act strictly in accordance with law. If it could turn out to be a false case against the applicants, they would have remedy for redressal of frivolous case. No case is made out to interfere with the impugned order passed by the learned trial Court. The case-laws relied upon by the learned counsel for the applicants are not relevant to the facts of the case in hand.

4. In view of the above, instant Criminal Miscellaneous Application is dismissed.

JUDGE

Ayaz Gul