

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Misc. Appln. No.272 of 2018

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

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

31.05.2019

None present for the applicant.
Ms. Seema Zaidi, D.P.G.

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On **08.11.2018** none was present for the applicant and on **11.12.2018** learned counsel for the applicant sought time and again on **08.02.2019** none was present. Today again none is present, therefore, this Cr. Misc. Application is dismissed because even otherwise the order of the Session Judge/Ex Officio, Justice of Peace District Karachi Central, directing the SHO to record statement of applicant and thereafter act in accordance with law is not an appealable order nor an order without jurisdiction, therefore, High Court cannot interfere in this kind of order. Even otherwise lodging of FIR is the duty of the SHO even without interference of the Court, mere lodging of the FIR creates no right in favour of the applicant. They may take action only when proceeding starts in accordance with order in terms of **Section 190** of the Cr.P.C. If reference is required one may refer to the case of Muhammad Bashir vs. Station House Officer, Okara Cantt. and others (**PLD 2007 Supreme Court 539**) in para-25 has categorically held that S.H.O has no authority to refuse to register FIR under any circumstances.

*25. As has been mentioned above, **no provisions exists in the' Code of Criminal Procedure or in any other law which permitted a S.H.O. to refuse to record an F.I.R. provided the information conveyed to him disclosed the commission of a cognizable offence.** However, we have come across some cases wherein it was said that the provisions of section 157(1)(b) of the Cr.P.C. or the provisions of Rule 24.4 of the Police Rules of 1934 were the kind of provisions*

*which did allow the S.H.O. to do so. **The impression is misconceived and fallacious.***

In view of the above, no case is made for interference in the impugned judgment by this Court, therefore, this Crl. Misc. Application is dismissed.

SM

JUDGE