

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Cr. Misc. Application No.S- 06 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For orders on M.A 31/2020
3. For hearing of main case

14.09.2020

Mr. Bharat Kumar Suthar, advocate for applicant.

Mr. Velji Rathore, advocate for private respondents.

Mr. Nazar Muhammad Memon, Addl.P.G.

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RASHIDA ASAD, J:- Applicant Shankar through the instant application under Section 561-A Cr.P.C has assailed the impugned order dated 24.12.2019, passed by learned Additional Sessions Judge / Ex-Officio Justice of Peace, Tharparkar @ Mithi, whereby the application under section 22-A & B Cr.P.C. for registration of FIR was dismissed.

2. Facts necessary for the disposal of this Criminal Miscellaneous Application are that applicant filed aforesaid application for registration of an F.I.R. against the proposed accused alleging that on 04.12.2019 at about 7:00 p.m. all the proposed accused along with three unknown persons, forcibly let the cows and buffalos loose in his surveyed land, who destroyed his crops; that on asking, the proposed accused Saroop Singh maltreated and gave kicks and fists blows to the applicant and on his cries PWs Hamir and Rajesh rescued him; that proposed accused Venjho set on fire his crops lying there and they all ran away, while extending life threats.

3. Learned counsel for the applicant, *inter alia*, submits that the learned Ex-Officio Justice of Peace without applying its judicial mind and considering the material available on record dismissed the application of the applicant for registration of FIR against the proposed accused; that the police is bound to record the statement of complainant U/s 154 Cr.P.C., if cognizable offence is made out. To support his contention, learned counsel placed reliance on the cases of MUHAMMAD YAQOOB versus IIIrd ADDITIONAL SESSIONS JUDGE AND EX-OFFICIO JUSTICE OF PEACE, HYDERABAD and 3 others (2020 MLD 1028).

4. Conversely, learned counsel for private respondents supported the order and submitted that learned Judge has assigned sound reasons for dismissal of the application which does not require any interference; and, that as per medical certificate the alleged offence is non-cognizable.

5. Learned A.P.G while supporting the order passed by learned Ex-Officio Justice of Peace submitted that there is alternate remedy of filing the Direct Complaint, available to the applicant.

6. Heard learned Counsel for the parties and perused the relevant record. Impugned order reveals, that alleged dispute between the parties is letting loose the cattle in the land of applicant by respondents, for grazing, which dispute is of a civil nature and the applicant wants to convert the civil dispute into criminal; that a report was also obtained from S.H.O. concerned, depicting no such incident, as alleged, took place and allegations leveled in the application are false and baseless. On above state of affairs, it appears that applicant

had approached the learned Ex-Officio Justice of Peace, with unclean hands, tainted with malice.

7. There is no denying the fact that once a false criminal case is registered against accused individual, it becomes exceedingly difficult for him / her to get rid of it. The time and money which is spent on acquiring a clean chit by way of cancellation of the case or acquittal is not hard to fathom. Wisdom is taken from a case law of the Honourable Supreme Court of Pakistan, reported in PLD 2016 Supreme Court 581 (**YUNAS ABBAS and others versus ADDITIONAL SESSIONS JUDGE, CHAKWAL and others**).

8. In these circumstances, I am of the view that the impugned order is well reasoned within the four corners of law, as such, does not require any interference by this Court. Accordingly, impugned order is maintained and the instant Criminal Miscellaneous Application is dismissed alongwith listed application.

JUDGE

Ali Haider