

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD.

Cr. Misc. Application No.S- 202 of 2020

Date	Order with Signature of Hon'ble Judge
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For orders on office objections.

For hearing of main case.

12-10-2020.

Mr. Noor Muhammad Soomro, advocate for applicant.

Mr. Muneer Ahmed Turk, advocate for respondents No.3to6.

Ms. Safa Hisbani, A.P.G for the State.

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Irshad Ali Shah, J; It is alleged by the private respondents that the applicant and other by making trespass in his house maltreated and abused him and then went away by threatening him to be killed, if he failed to withdraw from his claim over the landed property, therefore, he by making an application u/s 22-A & B Cr.P.C sought for issuance for direction against SHO PS Shaheed Fazil Rahu, for recording his FIR. It was dismissed by him the Ex-officio Justice of Peace Badin vide his order dated 28.02.2020, which is impugned by the applicant before this Court by way of instant Cr.Misc.Application under Section 561-A Cr.P.C.

2. It is contended by the learned counsel for the applicant that the cognizable offence has been committed by the proposed accused. It has been affirmed by Incharge Complaint Cell Badin in his report, yet the application of the applicant for issuance of direction against SHO PS S.F.R for recording his FIR has been dismissed by the learned Ex-officio Justice

of Peace Badin without justification. By contending so, he sought for issuance of direction against SHO PS S.F.R to record FIR of the applicant against the proposed accused.

3. Learned A.P.G for the State and learned counsel for the proposed accused by supporting the impugned order have sought for dismissal of the instant Cr.Misc. Application by contending that the applicant is intending to involve the proposed accused in false case malafidely only to satisfy his dispute with them over landed property.

4. I have considered the above arguments and perused the record.

5. Admittedly, the parties are disputed over the landed property and allegation leveled by the applicant against the proposed accused is denied by them, if for the sake of arguments it is believed to be true then same could be proved by the applicant adequately by having a recourse u/s 200 Cr.P.C. In these circumstances, learned Ex-officio Justice of Peace Badin was right to dismiss the application of the applicant by way of the impugned order which is not calling for interference by this Court in exercise of its inherent jurisdiction by way of listed application, it is dismissed accordingly.

Judge