

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

Cr. Misc. Appln. No. S-537 of 2020

Date	Order with signature of Judge
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1. For orders on MA-7084/2020
2. For orders on office objection
3. For orders on MA-7085/2020
4. For hearing of main case.

**16.10.2020**

Mr. Muhammad Saleem Laghari, Advocate for the applicant  
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**IRSHAD ALI SHAH, J.-** It is alleged by the applicant that the private respondents by making trespass in his house and by using criminal force abducted his sister Mst. Saira, aged about 14/15 years with intention to get her marry with one Fayaz, for that the present case was registered at P.S Kario Ganhwar District Badin. On investigation the FIR so lodged by the applicant was recommended by the police to be cancelled under "C" class. It was cancelled accordingly by learned IInd Civil Judge & Judicial Magistrate Badin vide his order dated 24<sup>th</sup> September, 2020, which is impugned by the applicant before this Court by way of instant Criminal Misc. Application u/s 561-A Cr.P.C.

2. It is contended by learned counsel for the applicant that Mst. Saira was minor and the applicant was able to make out his case for cognizance, therefore, learned trial Magistrate ought not to have ordered cancellation of FIR of the applicant under "C" class, on the basis

of dishonest report of the police. By contending so, he sought for issuance of notices against the respondents.

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

4. The FIR of the incident has been lodged with delay of more than two months that too after having recourse u/s 22-A & B Cr.P.C such delay having not been explained plausibly could not be ignored. Mst. Saira the alleged abductee as per her CNIC was found to be of 20 years of the age and she in her 164 Cr.P.C statement has denied her abduction. In that situation, the police was right to recommend cancellation of the FIR lodged by the applicant under "C" class and such recommendation has rightly been approved by learned trial Magistrate by way of impugned order, which is not calling for interference by this Court by way of instant Criminal Miscellaneous Application, it is dismissed in limine along with pending applications.

**J U D G E**

Ahmed/Pa,