

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD
C.P.No.D-134 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGE

Before:

Mr. Justice Arshad Hussain Khan

Mr. Justice Irshad Ali Shah

**For orders on MA-806/2021
For orders on office objection
For orders on MA- 807/2021
For orders on MA- 808/2021
For hearing of main case.**

10.02.2021.

Petitioner present in person.

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Urgency granted.

The facts in brief necessary for disposal of instant petition are that the petitioner after having a recourse u/s 22-A & B Cr.P.C lodged an FIR crime No.11/2020 u/s 341 and 382 PPC with PS Tando Jan Muhammad, same on investigation was recommended by the police to be cancelled under false "B-class". The petitioner being dissatisfied with the investigation so conducted by the police by making an application u/s 22-B Cr.P.C sought for re-investigation of his case, it was dismissed by learned Ex-officio Justice of Peace/1st Additional Sessions Judge(MCTC), Mirpurkhas by way of his order dated 04.11.2020, which is impugned by the petitioner before this Court by way of instant petition.

It is contended by the petitioner that the police on the basis of dishonest investigation has recommended his case to be cancelled under "B-class" and learned Ex-officio Justice of Peace without any lawful justification has declined to issue direction

for re-investigation of his case by way of impugned order, same being illegal is liable to be set-aside and learned trial Magistrate who has taken the cognizance of the offence to be restrained from proceeding with the case till further investigation.

We have considered the above argument and perused the record.

Apparently, the FIR so lodged by the petitioner on investigation was recommended by the police to be cancelled under false "B-class", but learned trial Magistrate did not agree with the police opinion and took the cognizance of the incident. By doing so, learned trial Magistrate obviously has favored the petitioner. If, the petitioner is still having a feeling that his case is based on improper investigation then he may file a Direct Complaint of the incident as is prescribed under Section 200 Cr.P.C. No illegality is committed by learned Ex-officio Justice of Peace while passing the impugned order, which may justify this Court to make interference with it. Consequently, the instant petition being misconceived is dismissed in limine together with the listed applications.

JUDGE

JUDGE

Ahmed/Pa.