

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 14 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-1777/2019
2. For orders on MA-124/2019
3. For hearing of main case.

02.03.2021.

Mr. Wahid Bux Aajiz Laghari, advocate for applicant.

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It is contended by the learned counsel for the applicant that the applicant was taken from the bus stop, maltreated, deprived of his belonging and then involved in a false case by the proposed accused; therefore, learned Ex-officio Justice of Peace/Ind Additional Sessions Judge, Tando Muhammad Khan ought not to have declined in issuing direction against the police for recording of the FIR of the applicant by way of his order dated 31st December, 2018, same being illegal is liable to be set-aside.

I have considered the above argument and perused the record.

The applicant is involved in a criminal case; perhaps he in order to satisfy his grudge is intending to involve the police personals in a false case malafidely. No illegality even otherwise is pointed in the impugned order, which may justify making interference with it.

In case of *Rai Ashraf and others vs Muhammad Saleem Bhatti and others (PLD 2010 Supreme Court 691)* it has been held by Hon'ble apex Court that;

"The learned High Court had erred in law to exercise discretion in favour of the respondent No.1 without realizing that the respondent No.1 had filed application before the Additional Sessions Judge/Ex-Officio Justice of the Peace to restrain the public functionaries not to take action against

him in accordance with the LDA Act 1975, Rules and Regulations framed thereunder, therefore, respondent No.1 had filed petition with mala fide intention and this aspect was not considered by the learned High Court in its true perspective."

In view of above the instant Criminal Misc. Application being misconceived is dismissed in limini with an advise to the applicant to have a recourse under section 200 Cr.P.C.

JUDGE

Ahmed/Pa