

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

Cr. Misc. A. No.S- 161 of 2019

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

06.09.2019.

Mr. Muhammad Sachal R. Awan, Advocate for  
applicant.

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

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**Irshad Ali Shah J:-** The applicant by way of instant application u/s 561-A CrPC has impugned an order dated 23.02.2019 passed by learned 2<sup>nd</sup> Additional Sessions Judge / Ex-officio Justice of Peace, Badin whereby an application of the applicant filed u/s 22-A & B Cr.P.C was dismissed.

2. It is the case of the applicant that the proposed accused had taken away her crop from the land which has not yet been partitioned. In these circumstances, the applicant sought for direction against SHO PS Talhar to record her FIR against the proposed accused.

3. It is contended by learned counsel for the applicant that the proposed accused had committed theft of the standing

crop of the applicant which constitute the cognizable offence. By contending so, he sought for direction against the SHO PS Talhar record the statement of the applicant for the purpose of FIR.

4. Learned A.P.G for the State by supporting the impugned order has sought for dismissal of the instant application.

5. Parties apparently are disputed partition of their landed property, the civil litigation between them as per report furnished by SHO PS Talhar before learned 2<sup>nd</sup> Additional Sessions Judge / Ex-officio Justice of Peace, Badin is going on before the civil Court having jurisdiction. In these circumstances, learned 2<sup>nd</sup> Additional Sessions Judge / Ex-officio Justice of Peace, Badin was right to dismiss the application of the applicant by way of impugned order by making an observation that the applicant is attempting to convert civil litigation into criminal one, which is not calling for any interference by this Court by way of instant criminal Miscellaneous Application, it is dismissed accordingly.

JUDGE