

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr. Misc. Appln. No.S- 522 of 2019

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

25.10.2019.

Mr. Mumtaz Sachal Awan, Advocate for applicant.  
Ms. Rameshan Oad, A.P.G  
Mr. Ashfaque Ahmed A. Solangi, advocate for  
private respondent.

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The facts in brief necessary for disposal of instant applicant are that as per private respondent the applicant and others have caused hatchet and lathi blows to PWs Sajjad, Irfan and Rasheed with intention to commit their murder and despite issuance of medical certificates, her FIR for the above said incident is not being recorded by SHO PS Thebath. It was in these circumstances, she by making an application under Section 22-A & B Cr.P.C sought for direction against SHO PS Thebath to record her statement for purpose of FIR for the above said incident, which was issued by learned Additional Sessions Judge/ Ex-officio Justice of Peace, Sehwan by way of his order dated 10.10.2019, which is impugned by the applicant before this Court by way of instant application under Section 561-A Cr.P.C.

It is contended by learned counsel for the applicant that the applicant being innocent is being involved by the private respondent in a false case in order to satisfy her dispute with them over landed property, otherwise no incident as alleged by the private respondent has taken place and learned Additional Sessions Judge/ Ex-officio Justice of Peace, Sehwan has lost sight of such fact while issuing direction against SHO Ps Thebath to record statement of the private respondent for purpose of FIR. By contending so, he sought for setting aside of the impugned order.

Learned A.P.G for the State and learned counsel for the private respondent has sought for dismissal of the instant application by supporting the impugned order by contending that FIR for cognizable offence could never be prevented.

I have considered the above arguments and perused the record.

It is the case of private respondent that the applicant and others have caused hatchet(s) and lathi(s) blows to PWs Sajjad, Irfan and Rasheed with intention to commit their murder. The facts with regard to injuries on their person, is supported by provisional medical certificates, which are issued by medical officer Syed Abdullah Shah Institute of

Medical Sciences Sehwan. The parties may be disputed over landed property, but such fact is not enough to prevent registration of an FIR for an offence, which apparently appears to be cognizable in nature. If the applicant, is having a feeling that he or his associates are being involved in a false case by the private respondent, then they could prove their innocence before the police by joining the investigation.

In view of above, it could be concluded safely that the learned Additional Sessions Judge/ Ex-officio Justice of Peace, Sehwan has committed no wrong or illegality, while passing the impugned order, which could be made right by this Court by way of instant Criminal Miscellaneous Application, it is dismissed accordingly.

JUDGE