

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr. Misc. Appln. No.S- 644 of 2018

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DATE ORDER WITH SIGNATURE OF JUDGE

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1. For orders on office objection
2. For orders on MA-8598/18
3. For hearing of main case.

08.11.2019.

Applicant in person.  
Ms. Rameshan Oad, A.P.G  
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The facts in brief leading to passing of instant order are that the applicant was involved in a case, outcome of FIR crime No.37 of 2013 u/s 392 PPC of PS Daulatpur. After due trial, the applicant was acquitted in such case by learned IInd Judicial Magistrate, Daulatpur vide his judgment dated 21.05.2018. After such acquittal, the applicant by way of making an application u/s 22-A and B Cr.P.C sought for direction against police to record his FIR for offence punishable u/s 182 PPC against the respondents No.2 to 6 for having involved him in fake case. It was dismissed by learned Ist Additional Sessions Judge / Ex-officio Justice of Peace, Shaheed Benazirabad, vide his order dated 31.08.2018, which is impugned by the applicant before this Court by way of instant application u/s 561-A Cr.P.C.

2. It is contended by the applicant that he was involved in a false case by respondents No.2 to 6, as such they are liable to

be prosecuted for having committed an offence punishable u/s 182 P.P.C. By contending so, he sought for direction against SHO PS Daulatpur to record his FIR for the above said offence.

3. Learned A.P.G for the State by supporting the impugned order has sought for dismissal of the instant application by contending that every acquittal can never entail prosecution u/s 182 PPC.

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

5. If, for the sake of arguments, it is believed that the applicant was involved in a false case, even then no direction for recording of FIR against respondents No.2 to 6 for having committed an offence punishable u/s 182 PPC could be issued by any Court, simply for the reason that the alleged offence is non-cognizable. The FIR could only be recorded for a cognizable offence. In these circumstances, learned Ist. Additional Sessions Judge/Ex-officio Justice of Peace, Shaheed Benazirabad was right to dismiss the application u/s 22-A and B Cr.P.C of the applicant, thereby he refused to issue direction against SHO PS Daulatpur to record FIR of the applicant against respondents No.2 to 6 for allegedly having committed

an offence punishable u/s 182 PPC, by way of impugned order, which is not calling for any interference by this Court by way of instant application. It is dismissed accordingly.

JUDGE

Ahmed/Pa