

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 427 of 2018

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

10.03.2021.

Mrs. Razia Ali Zaman Khan, advocate for applicant.
Mr. Shahzado Saleem Nahiyoon, D.P.G.

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The applicant by way of instant Criminal Misc. Application has impugned order dated 09.02.2017 whereby his application u/s 22 -A and B Cr.P.C for issuance of direction against police to record his FIR was dismissed by learned Ex-officio Justice of Peace/Additional Sessions Judge, Matiari.

2. It is contended by learned counsel for the applicant that the proposed accused have committed forgery by preparing a false document, therefore, learned Ex-officio Justice of Peace/Additional Sessions Judge, Matiari ought not to have dismissed the application of the applicant by way of impugned order, same being illegal is liable to be set-aside.

3. Learned D.P.G for the State by supporting the impugned order has sought for dismissal of the instant Criminal Misc. Application.

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

5. If, for the sake of argument, it is believed that a fake document was prepared by the proposed accused, even then, no direction for recording of FIR of the applicant could be issued for the reason that

offence as per provision of section 195(1)(c) Cr.P.C is non cognizable. In these circumstances, learned Ex-officio Justice of Peace/Additional Sessions Judge, Matiari by dismissing the application of the applicant by way of impugned order has committed no wrong, which could be made right by this Court by way of instant Criminal Misc. Application, it is dismissed accordingly.

JUDGE

Ahmed/Pa