

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 66 of 2021

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

18.03.2021.

Mr. Noor-ul-Amin Sipio, advocate for applicant.
Ms. Safa Hisbani, A.P.G for the State.

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It is contended by learned counsel for the applicant that the applicant was running a pregnancy and the proposed accused in furtherance of their common intention caused miscarriage of her pregnancy, therefore, the applicant by making an application u/s 22-A & B Cr.P.C sought for issuance of direction against the police to record her FIR. It was dismissed by learned Ex-officio Justice of Peace/4th Additional Sessions Judge, Shaheed Benazirabad vide his order dated 19.01.2021, such order being illegal is liable to be set-aside with direction to police to record FIR of the applicant by way of instant Criminal Misc. Application u/s 561-A Cr.P.C.

2. Learned A.P.G for the State has sought for dismissal of the instant Criminal Misc. Application by contending that the applicant has an alternate remedy to exhaust by filing a Direct Complaint of the incident before the Court having jurisdiction.
3. I have considered the above arguments and perused the record.

4. The parties are closely related to each other. They as per police report are disputed with each other since long. Perhaps, in that context, learned Ex-officio Justice of Peace/4th Additional Sessions Judge, Shaheed Benazirabad has declined to issue direction to police for recording FIR of the applicant by way of impugned order; it is not calling for any interference by this Court by way of instant Criminal Misc. Application u/s 561-A Cr.P.C, it is dismissed accordingly with an advise to the applicant to have a recourse u/s 200 Cr.P.C.

JUDGE

Ahmed/Pa