

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD

Criminal Miscellaneous Application No.S-388 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA No. /2021.
2. For orders on office objections.
3. For orders on M.A.No. /2021.
4. For hearing of main case.

04.08.2021.

Mr. Imtiaz Ali Channa, Advocate for the applicant.

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1. Disposed of.

2to4. It is the case of the applicant that the proposed accused have threatened her to be killed or subjected to rape if she failed to withdraw from her criminal litigation against them and then went away by maltreating and snatching her mobile phone. Allegedly, on account of refusal of the police to record her F.I.R, the applicant filed an application under section 22-A & B Cr.P.C for issuance of direction to police to record her F.I.R for the above said incident. It has been dismissed by learned IInd Additional Sessions Judge/Ex-Officio Justice of Peace Hyderabad vide his order dated 19.06.2021 which is impugned by the applicant before this Court by way of instant application u/s: 561-A Cr.P.C.

It is contended by learned counsel for the applicant that a cognizable offence has taken place, therefore, learned Ex-Officio Justice of Peace ought not to have dismissed the application of the applicant by way of impugned order. By contending so, he sought for direction against the police to record the F.I.R of the applicant for the above said incident.

I have considered the above arguments and perused the record.

Parties admittedly are disputed with each other since long. Injuries sustained by the applicant are non-cognizable in its nature. No proof of ownership of mobile phone allegedly snatched from her is filed by the

applicant. If the allegation leveled by the applicant is examined in context of existing dispute between the parties, then *prima facie* it suggests that the applicant is putting an attempt to resolve her dispute with the proposed accused by involving them in a false criminal case malafidely.

5. In case of Rai Ashraf and others Vs. Muhammad Saleem Bhatti and others (PLD 2010 SC-691), it has been held by the Hon'ble Apex Court that;

“ Validity---Dispute between parties was over such house---Applicant had secured restrain, order against respondent from Civil Court, and for its violation, he had a remedy before Civil Court---Applicant had an alternate remedy to file private complaints against respondent--- Applicant had filed another application before Ex-officio Justice of Peace/Additional Sessions Judge to restrain public functionaries from taking action against under Lahore Development Authority Act, 1975, Rules and Regulations framed thereunder---Application for registration of FIR had been filed with malafide intention.”

6. No illegality in impugned order even otherwise is pointed out by learned counsel for the applicant which may justify this Court to make interference with it, in exercise of its inherent jurisdiction by way of instant Crl. Misc. Application u/s: 561-A Cr.P.C, it is dismissed in *limine* together with listed application. However, the applicant may exhaust remedy u/s:200 Cr.P.C if so is advised to her.

JUDGE