

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,**  
**HYDERABAD**

Criminal Miscellaneous Application No.S-111 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For orders on M.A. No.1492/2022.
	3. For hearing of main case.

**22.04.2022**

Mr. Muhammad Saad Saeed Qureshi, advocate for the applicant.

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The facts in brief necessary for disposal of instant criminal miscellaneous application are that the applicant by making an allegation of encroachment over his plot and committing theft of his belongings therefrom lodged an F.I.R Crime No.107 of 2021 with P.S SITE Hyderabad it was recommended by the police to be disposed of under 'C' Class and was disposed of accordingly by learned Judicial Magistrate-II, Hyderabad, vide order dated 12.02.2022, which is impugned by the applicant before this Court by way of instant Criminal Miscellaneous Application under section 561-A Cr.P.C.

It is contended by learned counsel for the applicant that the learned trial Magistrate has passed the impugned order in slipshod manner without considering material brought on record, therefore, such order is liable to be set-aside.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of more than one month and as per impugned order the dispute between the parties is of civil nature and apparently on the basis of honest investigation, the F.I.R of the applicant was recommended by the police to be canceled under 'C' Class and it has rightly been canceled so learned Trial Magistrate, by way of impugned order, which is not found to be illegal to be interfered with by this Court; consequently the instant criminal miscellaneous application is dismissed in *limine*. However, the applicant may file a direct complaint of the incident before a Court having jurisdiction, if so is advised to him.

**JUDGE**

Muhammad Danish\*