

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

Criminal Miscellaneous Application No.S-03 of 2022

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

16.05.2022

Syed Khalid Ali, Advocate for applicant.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.
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It is contended by learned counsel for the applicant that a cognizable offence has taken place yet learned Ex-Officio Justice of Peace has declined to issue direction for recording F.I.R of the applicant vide order dated 29.12.2021, such order being illegal is liable to be set-aside by this Court with direction to police to record F.I.R of the applicant for the above said incident.

The learned Assistant Prosecutor General, Sindh by supporting the impugned order has sought for dismissal of instant criminal miscellaneous application by contending that the applicant is intending to involve the private respondents in false case only to satisfy his family dispute with them.

Heard arguments and perused the record.

As per police report there is family dispute between the parties. If for the sake of arguments; it is believed that the incident as alleged by the applicant has actually taken place and for that his F.I.R is not being recorded by the police then the applicant has an alternate and adequate remedy to exhaust by filing a direct complaint of such incident before the Court having jurisdiction. No illegality is apparent which may justify this Court to make interference with the impugned order by way of instant criminal miscellaneous application, it is dismissed accordingly.

JUDGE

Muhammad Danish.