

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

Criminal Miscellaneous Application No.S-192 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For orders on M.A. No.2965/2022.
	3. For hearing of main case.
	4. For hearing of M.A. No.2966/2022.

23.05.2022

Mr. Waseem Akhtar Shahani, Advocate for the applicants.
Syed Faiz Ahmed Shah, Advocate for the private respondent.
Ms. Safa Hisbani, A.P.G for the State.

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It is contended by learned counsel for the applicants that there was dispute between the parties over landed property and proceedings u/s: 145 Cr.P.C between them was pending adjudication before the Magistrate having jurisdiction, yet learned Ex-Officio Justice of Peace has directed the police to record F.I.R of the private respondent with regard to theft of wheat crops from the subject land by way of order dated 19.03.2022, such order being illegal is liable to be set-aside.

2. Learned A.P.G for the State did not support the impugned order. However, learned counsel for the private respondent by supporting the impugned order has sought for dismissal of instant criminal miscellaneous application by contending that cognizable offence has taken place.

3. Heard arguments and perused the record.

4. Admittedly the parties are disputed over the subject land and proceeding u/s: 145 Cr.P.C between them is pending adjudication before the Magistrate having jurisdiction. As per police report incident alleged by the private respondent has never taken place, such report has not been

considered by learned Ex-Officio Justice of Peace in its true perspective. In these circumstances, the impugned order could not be sustained, it is set-aside. However, the private respondent may exhaust remedy u/s: 200 Cr.P.C, if so is advised to him.

5. The instant Criminal Miscellaneous Application is disposed of accordingly.

JUDGE

Muhammad Danish*