

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Criminal Misc. Application No.172 of 2022

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| Date | Order with signature of Judge |
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1. For orders on M.A. No. 3362 of 2022 (U/A)
2. For orders on M.A. No. 3363 of 2022 (Ex./A).
3. For hearing of main case

16th March 2022.

Mr. Abdul Haleem Jamali, advocate, advocate for the applicant.

Through instant CrI. Misc. Application, applicant has challenged the order dated 09.03.2022, whereby application moved by the applicant under Sections 22-A and 22-B, Cr.P.C. was dismissed.

Applicant seeks registration of FIR against his maternal uncle (Respondent No.3) and two of his accomplices on the plea that they snatched Rs. 35000/-, one mobile phone and one watch from him. Whereas, learned Ex-Officio Justice of Peace referred the matter for inquiry and report to concerned SHO, which was conducted and report was submitted. Relevant paragraph being relevant is that:-

“After conducting the inquiry, it reveals that there is an old dispute over the murder, wherein the Naseer Brohi (relative of private respondent) had got lodged FIR vide case crime No.102/2019 u/s 302, 114, 504, 34 PPC at PS Thatta against relatives of applicant. The accused persons were convicted by the Honourable Court in the above-said case. On 26-02-2022, no any incident was taken place between them. The applicant has moved instant application with the intention to pressurize the private respondents in order to withdraw from the case. On 26-02-2022, no any offence was made out. The further orders of this Honorable Court will be complied with.

Needless to mention that in view of Younus Abbas case while deciding application under Section 22-A Cr.P.C. Ex Officio Justice of Peace is required to adjudicate the issue while applying judicial mind and no simple direction can be given for lodgment of FIR when there is refusal by the police. Here in the present case, admittedly enmity exists between the parties and this is case is not falling within the term grave injustice. Accordingly, there is no illegality in the impugned order, hence, present CrI. Misc. Application is dismissed alongwith listed applications.

JUDGE