

**ORDER SHEET**

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Appln. No. S – 11 of 2020

<b>Date</b>	<b>Order with signature of Judge</b>
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**For hearing of main case****24.01.2020**

Mr. Nusrat Hussain Memon, Advocate for the applicant  
 Mr. Abdul Rehman Kolachi, DPG for the State

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Through the instant Criminal Miscellaneous Application, the applicant has impugned the order dated 26.12.2019, passed by learned 2<sup>nd</sup> Additional Sessions Judge / Ex-Officio Justice of Peace, Naushahro Feroze, whereby the application under Sections 22-A and 22-B Cr.P.C filed by the applicant, has been dismissed.

2. Leaned counsel for the applicant submits that the private respondents have committed a cognizable offence, but SHO of Police Station has refused to lodge the FIR of the incident, hence, he appeared before the learned 2<sup>nd</sup> Additional Sessions Judge Naushahro Feroze, by filing application under section 22-A and 22-B Cr.P.C, same was dismissed by the learned trial Court and prayed that the order may be set-aside and SHO of concerned Police Station may be directed to record the statement of the complainant, if cognizable offence is made then he shall register his FIR.

3. Learned DPG appearing for the State supported the impugned order by submitting that the parties are on inimical terms with each other on longstanding dispute of civil nature but the applicant in order to covert the civil litigation into criminal has filed this false application seeking registration of a criminal case against the private respondents / proposed accused.

4. I have heard the learned counsel for the applicant / proposed accused and learned DPG for the State. From perusal of record it appears that a report was called from DSP complaint Redressal Cell Naushahro Feroze, who has submitted his report stating therein that there is a civil dispute in between parties. Such Civil Suit No.35 of 2019, is pending before Court of law, whereas, no such incident as alleged has taken place. There is dispute between the parties over landed property and perusal of record it appears that the applicant want to convert the civil litigation into criminal, hence, the impugned order passed by the learned 2<sup>nd</sup> Additional Sessions Judge / Ex-Officio Justice of Peace Naushahro Feroze is speaking and well-reasoned one, hence does not call for any interference by this Court, the same is maintained. Consequently, the instant criminal miscellaneous application is dismissed.

Judge