

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Misc. Application No. S – 454 of 2018

Date	Order with Signature of Hon'ble Judge
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Priority case

1. For orders on office objection at flag 'A'
2. For hearing of MA No.5403/2018 (Ex.A)
3. For hearing of main case
4. For hearing of main case
(Process issued)

20.01.2020

Mr. Shabbir Ali Bozdar Advocate for the Applicant
Mr. Mushtaque Ahmed Solangi Advocate for private respondent
Mr. Shafi Muhammad Mahar, DPG for the State
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Through instant Criminal Miscellaneous Application, the applicant / proposed accused has sought for setting aside of the impugned order dated 17.05.2018 passed by learned 3rd Additional Sessions Judge / Ex-Officio Justice of Peace Mirpur Mathelo, whereby, the directions were issued for recording the statement of the private respondent, if cognizable offence is made-out, then register the FIR.

2. Learned counsel for the applicant / proposed accused after arguing the matter at some length does not press instant Criminal Miscellaneous Application on the ground that the applicant / proposed accused shall not be arrested until and unless some tangible evidence is brought against the nominated accused persons. He further submits that, if the version of the private respondent / complainant is found false, then the proceedings under Section 182 PPC may be initiated against the complainant.

3. The proposal made by the learned counsel for the applicant / proposed accused is not opposed by learned counsel for the private respondent as well as learned DPG appearing for the State.

4. In view of the above, instant Criminal Miscellaneous Application is dismissed as not pressed. However, the respondent No.2 / SHO Police Station Mirpur Mathelo is directed to comply the order dated 17.05.2018 passed by learned 3rd Additional Sessions Judge/ Ex-Officio Justice of Peace Mirpur Mathelo and record the statement of the complainant, if cognizable offence is made out the same shall be incorporated into book u/s 154 Cr.P.C. It is made clear that no arrest shall be made until and unless some tangible evidence is brought against the nominated accused persons. Further, if the version of the complainant is found false, then proceedings u/s 182 PPC shall be initiated against the complainant in accordance with law.

Judge

ARBROHI