

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
 BENCH AT SUKKUR

**Cr. Misc. Appln. No. S – 1010 of 2018**

Date

Order with Signature of Hon'ble Judge

**For hearing of main case**

(notice issued)

**06.09.2021**

Applicant Shahzado Dreho present in person  
 Mr. Sohail Ahmed Khoso Advocate for private respondent  
 Mr. Zulfiqar Ali Jatoi, Additional PG for the State

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**AMJAD ALI SAHITO, J:-** Through instant Criminal Miscellaneous Application, the applicant has impugned the order dated 01.11.2018 passed by learned 3<sup>rd</sup>. Additional Sessions Judge / Ex-Officio Justice of Peace, Sukkur, whereby the application filed by the applicant under Sections 22-A and 22-B Cr.P.C for registration of FIR, was dismissed.

2. It is contended by the applicant that on 26.09.2018 at about 7:45 am, the proposed accused deliberately hit the Wagon to his motorcycle, resultantly two persons sustained injuries, whereas, such letters were obtained by him for self as well as for injured, thereafter, he approached the SHO Site Area for registration of FIR, who refused to record his statement, thereafter he approached the Court of Ex-Officio Justice of Peace, Sukkur, seeking directions for registration of FIR; that the proposed accused have committed a cognizable offence, hence, they are liable to be prosecuted under the law; that there was sufficient material placed on record, but the same was not considered by the learned Ex-Officio Justice of Peace. He lastly prayed that the impugned order is liable to be set-aside.

3. Conversely, learned counsel appearing for the private respondents and learned Additional PG for the State supported the impugned order and prayed for dismissal of instant application by contending that there was dispute between the applicant and the private respondents, hence due to such enmity the applicant wants to get register a false criminal case just to develop undue pressure upon the private respondents; that

the story as narrated in the memo of application by the applicant is unbelievable and based on malice.

4. I have heard the applicant in person, learned counsel for the proposed accused, learned Additional PG for the State and perused the record. The learned Ex-Officio Justice of Peace in order to ascertain the real facts, called report from the SHO Police Station Site Area Sukkur, who has furnished his report, which reflects that there is dispute between the parties and such litigation is pending at different forums. The report further reveals that the applicant has managed and concocted a false story just to get register a false criminal case against the proposed accused. There is nothing on record to show that the applicant has approached the SHO Police Station Site Area, Sukkur for recording his statement, whereas, such application was filed before the SSP, Sukkur, who referred the matter to the concerned SHO for enquiry, but nothing has been brought on record by the applicant to show the fate of that inquiry. The report furnished by the police reflects that letters were obtained for medical examination but after that the applicant side did not approached the concerned Police Station with final medical certificates for recording statement u/s 154 Cr.P.C. The applicant has not controverted the report of the police with regard to the issuance of medical certificates or approach at the police station for recording the statement. Further there is enmity between the parties going on and such litigation is pending at different forums, therefore, the version as set-out in the instant application by the applicant just to get the orders for registration of a false criminal case cannot be believed as truthful. As a result of above discussion, I am of the considered view that the learned Ex-Officio Justice of Peace has committed no illegality or irregularity while passing the impugned order dated 01.11.2018, the same is maintained. Accordingly, the instant Criminal Miscellaneous Application is dismissed.

Judge