

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

Cr. Misc. Appln. No. S – 664 of 2021

Date

Order with Signature of Hon'ble Judge

Priority case

1. For hearing of main case
2. For hearing of MA No.5457/2021 (S/A)
(notice issued)

11.10.2021

Mr. Mukhtiar Hussain Katpar Advocate a/w Applicant
Mr. Aftab Ahmed Shar, Additional PG for State

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ORDER

Amjad Ali Sahito, J;- Through instant Criminal Miscellaneous Application, the applicant has impugned the order dated 23.09.2021 passed by learned Additional Sessions Judge/ Ex-Officio Justice of Peace, Daharki, whereby the application filed by the private respondent under Section 22-A(6)(i) Cr.P.C, was allowed.

2. It is contended by learned counsel for the applicant/proposed accused that the as per report of the DSP Complaint Redressal Centre, Ghotki that no offence has occurred, whereas, the private respondent due to dispute over payment of bills has filed an application before the Ex-Officio Justice of Peace sought orders for registration of a false criminal case. He lastly prayed for setting-aside of the impugned order.

3. Learned Additional PG for the State did not support the impugned order by contending that the report furnished by the DSP Complaint Redressal Centre, Ghotki is very much clear that no such offence, as alleged by the private respondent has been committed by the applicant/proposed accused.

4. I have heard the learned counsel for the applicant/proposed accused as well as learned Additional PG for the State and gone through the record. Admittedly, the DSP Complaint Redressal Centre, Ghotki has filed his report before the learned Ex-Officio Justice of Peace in which it is stated that he has called the report from the SHO Police Station Daharki, who has reported that infact there is dispute between the parties over

payment of bill and no such incident has occurred as alleged by the private respondent. Since there is dispute between the parties over payment of bill, therefore, at this stage the version of the private respondent cannot be believed as true. The learned Ex-Officio Justice of Peace has not considered such fact and has passed the impugned order in hasty manner. Accordingly, the instant Criminal Miscellaneous Application is allowed, resultantly, the impugned order dated 23.09.2021 passed by learned Additional Sessions Judge / Ex-Officio Justice of Peace, Daharki is set-aside. However, the private respondent is at liberty to avail the remedy by way of filing direct complaint of the incident before the Court having jurisdiction, if so advised.

Judge

ARBROHI