

IN THE HIGH COURT OF SINDH AT KARACHI**Cr. Misc. Application No. 354 of 2014**

Applicant : Mst. Hameeda Naz
through Mr. Muhammad Asif Durrani, Advocate

Respondent : The State
through Ms. Seema Zaidi, DPG

Intervenor : Muhammad Anwar Tanoli
through Mr. Abdul Sadiq Tanoli, Advocate

ORDER

Omar Sial, J.: Hameeda Naz, the applicant, had registered an F.I.R. bearing No. 223 of 2014 under sections 354, 506-B, 504 and 34 P.P.C. at the Tipu Sultan police station. The offence reported was investigated and the investigating officer of the case filed his report under section 173 Cr.P.C. recommending that the F.I.R be disposed of in "C" Class. The learned 8th Civil Judge and Judicial Magistrate, Karachi South concurred with the police recommendation and vide his order dated 12-11-2014 disposed of the case in "C" Class. This order of the learned magistrate has been challenged in these proceedings.

2. I have heard the learned advocate for the applicant and the learned D.P.G and have also examined the record available with their assistance. My observations are as follows.

3. It appears that the aforementioned F.I.R was lodged by the applicant on 25.10.2014 for an alleged offence that had occurred on 16-10-2014. In her report she recorded that one Anwar Tanoli is her neighbor and that some unsavory characters would often visit him. On 16-10-2014, Anwar Tanoli knocked on her door and there was an exchange of some unpleasant words. It was alleged that Tanoli along with his sons and another three to four women beat, abused, humiliated and threatened the applicant. She also recorded that the said incident was witnessed by her siblings as well as other persons of the locality who had also intervened.

4. Learned counsel for the applicant was asked as to what was the illegality in the impugned order as the application filed by him reveals no ground apart from a vague assertion of illegality, for setting aside the impugned order. Learned counsel replied that

the witness statements under section 161 Cr.P.C. were not signed by the witnesses and that even though many persons had witnessed the incident, he conceded that he could identify not one person from the locality who had recorded a statement in support of the applicant's claim.

5. The record reveals that apart from the siblings of the applicant, no other person has supported the applicant's claim. To the contrary, witnesses from the locality, being Muneeb-ur-Rehman, Anwar Khan, Saeedullah, Mohammad Qasim, Mohammad Sarfraz, and Ghulam Sarwar have recorded statements not supporting the applicant's claim.

6. It appears that some unpleasantness might have occurred between the parties on the issue of parking of cars however, there is not enough evidence that the unpleasantness developed to an extent that a criminal act(s) was committed. Learned counsel has also not been able to give any reason for the ten days delay in the lodging of the F.I.R. Case diary further reveals that this application has been pending adjudication in this Court since November 2014 and in these 4 years very little interest in the same has been shown by the applicant, who chose to remain absent for a number of hearings whereas a number of hearings were adjourned due to her counsel.

7. In view of the above, no ground has been agitated by the learned counsel for the applicant that will merit any interference with the order of the learned trial court. Accordingly, the application is dismissed. The applicant is however at liberty to pursue any other remedy to readdress her grievance if so advised.

JUDGE