

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No. 3-73 of 2022

[Sahit Nawaz versus Inspector General of Police & Ors]

1. For orders as to non-prosecution

09.09.2022

None present

ORDER

ADNAN-UL-KARIM MEMON, J- Through this Constitutional Petition, the petitioner has challenged the order dated 24.01.2022, whereby his application under Section 22-A(6)(i) Cr. P.C for registration of FIR against proposed accused has been dismissed by learned Ex-Officio Justice of Peace. For ease of reference concluding paragraph of the impugned order is reproduced below:

“The ultimate outcome of the above discussion is that the allegations in the present Cr. Misc. Application along with the report of the DSP Complaints Cell and SHO concerned and the material available on record I have come to the conclusion that no case came out of the record, which could have justified the registration of an FIR against the proposed accused persons. Thus, I am of the considered view that, it will not be appropriate to issue directions to the opponents for lodging the FIR. Under these circumstances, this Cr. Misc. Application being devoid of force, which is hereby dismissed. However, the applicant is at liberty to avail alternate remedy by filing a direct complaint if he is advised so, before the competent forum.”

2. Since the inception of filing this petition, the petitioner has not bothered to get this matter fixed in court, and has chosen to remain absent without intimation, leaving this court with no option but to peruse the record and decide the matter on merits.

3. Primarily, the petitioner has not been rendered remediless as portrayed by him in the memo of petition, and he has been sat at liberty to avail of the alternate remedy by filing a direct complaint in terms of Section 200 Cr. P.C, before the competent forum for redressal of his grievances and if approached the same shall be decided on merits within a reasonable time.

4. In view of the above, legal position of the case, I do not see any merit in the instant petition, the same is dismissed in limine in terms of the observation of learned trial court.

Sajjad Ali Jessar

JUDGE