

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Cr. Misc. Appln. No.S-701 of 2021

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**DATE**                      **ORDER WITH SIGNATURE OF JUDGE(S)**

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1. For orders on office objections.
2. For hearing of main case.
3. For hearing of MA-11490/2021

19.11.2021.

Mr. Zeeshan Bashir Chandio, Advocate alongwith applicant.  
Mr. Ayaz Karim Memon, Advocate for respondent No.3.  
Mr. Shawak Rathore, Deputy Prosecutor General.

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MUHAMMAD IQBAL KALHORO, J.-                      By means of this application, applicant has challenged an order dated 20.10.2021 whereby learned Additional District & Sessions Judge / Justice of Peace, Hala has directed SHO P.S Hala to record statement of respondent No.3 and if cognizable offence is made out, to register FIR against the proposed accused.

2.                      Learned Defence Counsel has submitted that the dispute between the parties is of civil nature. The applicant is the actual owner of the plot and has registered documents but respondent No.3 falsely claims the said plot to be his own and has filed litigation against him.

3.                      On the other hand, learned Counsel for respondent No.3 and learned Assistant Prosecutor General submit that prima facie the documents of the subject property possessed by the applicant were found false and fabricated and hence besides this order, the learned Additional District & Sessions Judge, Hala has also directed registration of the complaint against the applicant for the offence under Section 471 PPC as in the application under Section 22-A&B Cr.P.C seeking protection, he had filed such documents to establish his title over the plot. Learned A.P.G submits that under the garb of false and fabricated documents applicant has occupied illegally the plot and now he is seeking protection and is avoiding the course of law under the garb of civil dispute.

4.                      I have considered submissions of the parties and perused material available on record. In the impugned order, no direction for registration of FIR against the applicant has been issued by the learned Additional District & Sessions Judge. He has simply directed SHO concerned to record statement of

the respondent and if cognizable offence is made out, then only to register FIR. This direction is in complete conformity with the mandate under Section 154 Cr.P.C that whenever an information is given to the police officer disclosing commission of a cognizable offence, it is to be recorded under the book kept thereunder, no exception can be taken to such directions and the challenge to the same by means of this application is misconceived. Therefore, this application is accordingly dismissed.

JUDGE

Shahid