

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-368 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection.
	2. For hearing of main case.
	3. For hearing of M.A. No.6147/2019.

25.05.2023

Mr.Farhad Ali Abro, Advocate for applicant.

Mr. BadalGahoti, Advocate for respondent No.4.

Ms. RameshanOad, Assistant Prosecutor General, Sindh.

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Through this Criminal Miscellaneous Application learned counsel for applicant impugned the order dated 20.07.2019 wherein the learned Additional Sessions Judge / Ex-Officio Justice of Peace, Hala was directed concerned S.H.O to record the statement of respondent No.4 / complainant, and if cognizable offence is made out then the same may be reduced in 154 Cr.P.C book.

Per learned counsel after filing of said the application the report was called from DSP Complaint Cell Acting SP Complaint Cell District Matiari wherein it is disclosed that there is matrimonial dispute between the parties and previously respondent No.4 / complainant had divorced his wife Mst. Samina and subsequently he has informed that due to intervention of the Nekmards compromise was to be effected but later on in order to create pressure upon the applicant / proposed accused instant application was filed. He further submits that from perusal of application nowhere the date and time of alleged offence is mentioned. He added that respondent No.4 / complainant pronounced Talaq to Mst. Samina. In support of his contentions, he has placed on record certain documents those are taken on record.

On the other hand counsel for respondent No.4 / complainant supported the impugned order however learned APG has not supported the impugned order.

Since dispute between the parties is over matrimonial affairs since long and respondent No.4 / complainant tried to convert the same into criminal, as such, instant Criminal Miscellaneous Application is allowed consequently impugned order dated 20.07.2019 is hereby set-aside; however, the respondent No.4 / complainant is at liberty to file direct complaint of the subject incident before the competent Court of law having jurisdiction if so is advised to him.

JUDGE

Muhammad Danish