

ORDER SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Miscellaneous Application No.S-309 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

14-06-2023

Mr. Ghulamullah Chang advocate for applicant along with applicant.

Ms. Sana Memon, Assistant Prosecutor General Sindh.

Mr. Abdul Majeed Lashari, advocate files Vakalatnama on behalf of private respondents, taken on record.

Applicant filed an application under section 22-A and B CrPC seeking direction to SHO PS Pabban/Husri for registration of FIR against her ex-husband and brothers-in-law for demolishing her house and stealing house hold articles including dower of her daughters. A report was called from SHO PS Pabban/Husri, who after due inquiry submitted the same *prima facie* supporting the allegations. The Court however without looking into nature of allegations and the inquiry report dismissed the application by referring to some contradiction in the statement of applicant and report of inquiry without realizing that it had no domain under section 22-A and B CrPC to appreciate merits of the case and form an opinion.

Learned counsel appearing of respondents relying upon the cases as PLD 2010 Lahore 419, 2022 MLD 1263 and 2022 YLR 514 has opposed this application. Whereas, learned A.P.G. Sindh submits that at least applicant's statement under section 154 CrPC be recorded and if the offense is made out, FIR be registered.

I do not find any reason to disagree with her suggestion. The order passed by learned Ex-Officio, Justice of Peace, Hyderabad is not sustainable in law in that an attempt has been made to decide merits of the case without realizing that the allegations leveled by applicant are *prima facie* supported by police inquiry. Therefore, this application is **allowed**. Let a statement of applicant be recorded by SHO PS Pabban/Husri and in case a cognizable offence is made out, FIR be registered in accordance with law. However, respondents shall not be arrested unless some cogent evidence comes.

JUDGE