

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Misc. Appln. No.S-689 of 2022

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-9225/2022.

11.04.2023.

Mr. Bilawal Bajeer, Advocate for Applicant.

Mr. Ghulamullah Chang, Advocate for Respondent No.2.

Ms. Safa Hisbani, Assistant P.G alongwith Inspector Qadir Bux Behrani, SHO P.S Islamkot, Tharparkar.

ORDER

MUHAMMAD FAISAL KAMAL ALAM, J.- Learned Counsel for the Applicant states that the Impugned Order is not legal, as the Complainant / Applicant who is Respondent No.2 in the present proceeding, has filed a false application before the learned Sessions Judge / Justice of Peace. He has referred to earlier Application filed under Section 176 of Cr.P.C for exhumation of body of deceased, which was later withdrawn vide an order dated 03.09.2022. Learned Counsel stated that the Medical Report is also against the private Respondent (Complainant).

2. The facts of the case are that one Wazeer Ahmed, who is grand son of Bashir Ahmed (Respondent No.2), has been murdered (as alleged). On the other hand, learned Counsel for Respondent states that the Impugned Order is within parameters of law and if the FIR about murder of grand son cannot be lodged then it will result in grave injustice.

3. Learned A.P.G supports the Impugned Order.

4. Heard and record perused.

5. The apprehension of Applicant about lodging of false FIR can be taken care of during trial, if their case is genuine. Secondly, contention of Respondent's Counsel has substance that if the Complainant is unable to lodge the FIR in a murder case then it would seriously jeopardize the administration of justice. Even otherwise, the Impugned Order has not stated about lodging of FIR, but only has discussed that concerned SHO will record the Statement under Section 154 of Cr.P.C and if the offence is made out, he can proceed further. It is further stated by Applicant's Counsel that parties are trying to patch-up this matter. This also prima facie, somewhat contradicts the stance.

6. In view of the above, this Criminal Miscellaneous Application has no merits and is accordingly dismissed. Any observation made herein is of tentative nature.

JUDGE

Shahid