

ORDER SHEET
 IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Misc. Application No.S-457 of 2022
 (*Saeed Muhammad Shar & others Vs. Abdul Basit & others*)

1. For Orders on office objection.
2. For hearing of main case.
3. For hearing of MA No. 3824/2022 (Stay)

08-11-2023.

Mr. Shabbir Ali Bozdar, advocate for the applicants.
 Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

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1. Over ruled.
- 2 & 3. It is alleged against the applicants by the private respondent that they being police official apprehended his nominated accused in a murder case and then let them go without lawful justification. On the basis of such allegation, he by making an application u/s 22 A/B Cr.P.C sought for direction against SHO PS Khanpur Mahar to record his FIR for the said incident against the applicants, it was issued by learned IInd Additional Sessions Judge/Ex-Officio Justice of Peace, Ghotki vide order dated 07-09-2022, which is impugned by the applicants before this Court by way of instant Crl. Misc. Application.

It is contended by learned counsel for the applicants that no incident as alleged by the private respondent has taken place, who is intending to involved the applicants in a false case to satisfy his grudge with them and learned Ex-Officio Justice of Peace has lost sight of such aspect; therefore, impugned order being illegal is liable to be set aside.

None has come forward to advance arguments on behalf of the private respondent; however learned DPG for the State by supporting the impugned order has sought for dismissal of instant Crl. Misc. Application.

Heard arguments and perused the record.

The allegation against the applicants is denied by DSP Complaint Redressal Center, Ghotki. If for the sake of arguments, it is believed that the incident as alleged by the private respondent has actually taken place and for that his FIR is not being recorded by the police, even then he has an alternate remedy to exhaust by filing a direct complaint of the incident. Such remedy, if is exhausted besides being alternate would be adequate in the circumstances; consequently the impugned order is set aside.

Instant Crl. Misc. Application is disposed of accordingly together with listed application.

J U D G E

Nasim/P.A.

