

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S- 721 of 2023
(PC Waseem Vs. The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Hearing of case (Priority)

1. For orders on office objection at flag 'A'
2. For hearing of main case
3. For hearing of MA No.6040/2023 (S/ A)

01.12.2023.

Mr. Abdul Sattar Mahessar, advocate for the applicant.
 Ms. Qurat-ul-Aim, Advocate for the private respondent
 Mr. Imran Mobeen Khan, Assistant P.G for the State.

IRSHAD ALI SHAH, J;- The facts in brief necessary for disposal of instant Crl. Misc. Application are that the private respondent by making allegation of theft of his Sugarcane machine by way of filing an application u/s 22-A/B CrPC sought for direction against the police to record his FIR, it was issued by learned 4th. Additional Sessions Judge/Ex-Officio Justice of Peace, Khairpur vide order dated 04.10.2023 which is impugned by the applicant before this Court by preferring the instant Criminal Miscellaneous Application u/s 561-A, CrPC.

2. It is contended by learned counsel for the applicant that no incident is alleged by the private respondent has taken place and he is intending to involve the applicant in a false case only to satisfy his grudge with him. By contending so, he sought for setting aside of impugned order, which is opposed by learned Assistant PG for the State and learned counsel for the private respondent by contending that a cognizance offence has been alleged, therefore, registration of its FIR could not be prevented.

3. Heard arguments and perused the record.
4. SHO Police Station, Wada Mahessar in his report has stated that the incident alleged by the private respondent has not taken place; his report also take support from the report of DSP Complaint Cell Khairpur; those have not been considered by learned Ex-Officio Justice of Peace while passing the impugned order, for no obvious reason which appears to be strange. The applicant has alleged malafide such allegation could not be lost sight of in the circumstances. Consequently, the impugned order is set aside directing the private respondent to have a recourse u/s 200 CrPC, if so is advised to him.
5. The instant Crl. Misc. Application is disposed of accordingly together with listed application.

Judge