

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-715 of 2023
(Kanwal Batool Vs. The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

14-12-2023.

Mr. Shoukat Ali Makwal advocate for the applicant.
 Mr. Ali Akbar Shar advocate for the private respondents.
 Mr. Shafi Muhammad Mahar, DPG for the State.

Irshad Ali Shah, J; The applicant by making instant Crl. Misc. Application under section 561-A Cr.PC, has impugned order dated 28-09-2023, whereby learned Ist Civil Judge/Judicial Magistrate, Mirwah, has disposed of FIR/Crime No. 35/2023, u/s 336(b), 511, 354, 114 & 34 PPC of PS Bozdar Wada under "C" class, on recommendation of the police.

2. It is contended by learned counsel for the applicant that the recommendation of the police for cancellation of subject FIR under "C" class was based on dishonest investigation; therefore, learned trial Magistrate ought not to have accepted the same by way of impugned order, such order being illegal is liable to be set aside by this Court with direction to learned trial Magistrate to take cognizance of the offence.

3. Learned DPG for the State and learned counsel for the private respondent by supporting the impugned order have

sought for dismissal of the instant CrI. Misc. Application by contending that it was based on honest investigation.

4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged with delay of about 10 days; such delay having not been explained plausibly could not be overlooked, it reflects consultation and deliberation. Apparently, on the basis of honest investigation the subject FIR was recommended by the police to be disposed of under "C" class; which has rightly been consented to by learned trial Magistrate by way of impugned order, it is not found illegal to be interfered with by this Court by way of instant CrI. Misc. Application, it is dismissed accordingly.

J U D G E

Nasim/P.A

