

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-269 of 2023
(Balach Khan Others Vs. The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

1. For Orders on CMA No. 3328/2023 (Ex./A)
2. For hearing of main case.
3. For hearing of CMA No. 2455/2023 (Stay)

12-12-2023.

Mr. Achar Khan Gabole, advocate for the applicants.
 Mr. Jamshed Ahmed Faiz, advocate for the private respondent.
 Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

IRSHAD ALI SHAH, J.-. It is the case of the private respondent that he married with Mst. Hina against the wishes of her parents; she subsequently was abducted by the applicant and others under deception of *Jirga*. By maintaining such allegation, the private respondent sought for direction against the police to record his FIR, it was issued on application u/s 22 A/B Cr.P.C by learned Ist Additional Sessions Judge/Ex-Officio Justice of Peace, Mirpur Mathelo vide order dated 18-04-2023, which is impugned by the applicant before this Court by preferring the instant Crl. Misc. Application under section 561-A Cr.P.C.

2. It is contended by learned counsel for the applicant that Mst. Hina has gone with her parents and presently is residing at Dadu and no case of her abduction has taken place and such aspect of the case has been lost sight of by learned Ex-Officio Justice of Peace, while directing the police to record statement of the private respondent for

purpose of FIR by way of impugned order, same being illegal is liable to be set aside by this Court.

3. Learned Additional P.G for the State did not support the impugned order. However, learned counsel for the private respondent by supporting the impugned order has sought for dismissal of instant Crl. Misc. Application by contending that a cognizable offence has taken place.

4. Heard arguments and perused the record.

5. The allegation made by the private respondent is with regard to abduction of his wife Mst. Hina which constitutes cognizable offence. The lodgment of FIR whereof could not be prevented under the pretext that the abductee has gone with her parents. The allegation being serious in nature is to be probed by the police. In these premises the Ex-Office Justice of Peace was right to direct the police to record the statement of the private respondent for purpose of FIR by way of impugned order, which is not found illegal to be interfered with by this Court.

6. The instant Crl. Misc. Application is disposed of accordingly together with listed application.

Judge

