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Date	Order with signature of Judge

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<u>Direction</u>
For orders on maintainability of instant Crl. Misc. Application

<u>08.05.2024</u>

Mr. Naeem Khan Tanoli, advocate for the applicant
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The applicant by making an application u/s 22-A/B Cr.PC sought direction against the police to record his FIR for the theft; it was dismissed by learned IXth-Additional Sessions Judge/Ex-Officio Justice of Peace, Karachi South vide order dated 21.11.2024, which is impugned by the applicant before this Court by way of instant Crl. Misc. Application u/s 561-A Cr . PC.

It is contended by learned counsel for the applicant that the cognizable offence has taken place, therefore, learned Ex-Officio Justice of Peace ought not have dismissed the application of the applicant by way of impugned order, which being illegal is to be examined by this court.

Heard arguments and perused the record.

The dispute between the parties is over matrimonial affairs and dowery articles. Considering such aspect the learned Ex-Officio Justice of Peace has declined to direct the police to record the FIR

of the applicant for the alleged incident by way of the impugned order, which is not found illegal to be interfered with by this Court.

In the case of *Rai Ashraf and others vs Muhammad Saleem Bhatti and others* (PLD 2010 SC 691), it has been held by Apex Court that;

> *"The learned High Court had erred in law to exercise discretion in favour of the respondent No.1 without realizing that the respondent No.1 had filed application before the Additional Sessions Judge/Ex-Officio Justice of the Peace to restrain the public functionaries not to take action against him in accordance with the LDA Act 1975, Rules and Regulations framed thereunder, therefore, respondent No.1 had filed petition with mala fide intention and this aspect was not considered by the learned High Court in its true perspective."*

Consequent to the above discussion, the instant Crl. Misc. Application is dismissed in *limine*.

J U D G E

Nadir*