

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.675 of 2021
(*Abdul Samad v. The State and others*)

Date	Order with signature of Judge
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For hearing of main case

10.05.2024

Mr. S. Ghulam Hasnain, Advocate for the applicant
Ms. Seema Zaidi, Addl. PG for the State

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The facts in brief necessary for the disposal of instant Crl. Misc. Application are that the applicant lodged an FIR with PS Mochko alleging theft of coal from a godown owned by one Fazil Shah; such FIR on the investigation was recommended by the police to be cancelled under 'C' Class and it was cancelled accordingly by learned XIII-Judicial Magistrate West Karachi vide order dated 07.10.2021, which is impugned by the applicant before this Court by way of instant Crl. Misc. Application under Section 561-A Cr. PC.

It is contended by learned counsel for the applicant that the recommendation of the police for disposal of subject FIR under 'C' Class was based on dishonest investigation, therefore, the same was not to have been accepted by the learned trial Magistrate. By contending so, he sought to set aside the impugned order with direction to the learned trial Magistrate to take cognizance of the offence, which is opposed by learned Addl. PG for the State by supporting the impugned order.

Heard arguments and perused the record.

It is opined by the police that no incident of theft as alleged by the applicant has taken place and there was a dispute between the parties over a business transaction. Based on such opinion, a report was furnished by the police for cancellation of subject FIR under `C` Class and it has been cancelled accordingly by the learned trial Magistrate by way of the impugned order which is not found illegal to be interfered with by this court by way of the instant Crl. Misc. Application; it is dismissed accordingly.

J U D G E

nadir*