

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Misc. Appl. No.253 of 2024  
(*Ghulam Nabi v. Allah Dino and others*)

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| Date | Order with signature of Judge |
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1. For orders on MA No.6156/2024
2. For orders on MA No.3427/2024
3. For hearing of main case

**14.05.2024**

Mr. Jawaid Panhwar, advocate for the applicant

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1. Urgency granted.
2. Granted subject to all just exceptions.
3. It is alleged by the applicant that the proposed accused by trespassing in his house by using criminal force have taken away his belongings. Based on such allegations, he by making an application u/s 22-A/B Cr.PC sought the direction against SHO PS Makli to record his FIR; it was dismissed by I/C IInd- Additional Sessions Judge/Ex-officio Justice of Peace Thatta vide order dated 24.02.2024, which is impugned by the applicant before this Court by making the instant application under Section 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 to have dismissed the application of the applicant by way of the impugned order which is to be examined by this Court.

Heard arguments and perused the record.

DSP complaint cell in his report has denied the occurrence of the incident. The parties are said to be disputed over the abduction of Mst. Shabnam. Probably the applicant to satisfy such a dispute with the proposed accused was intending to involve them in a false case. It is in these circumstances learned Ex-Officio Justice of Peace has declined to direct SHO PS Makli to record an FIR of the alleged incident at the instance of the applicant by way of the impugned order, which is not found illegal to be interfered with.

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**