Date	Order with signature of Judge

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1. For orders on office objection (Flag A)
2. For hearing of main case

14.05.2024

Applicant in person
Mr. Abrar Ali Khich, Additional Prosecutor General for the State
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The applicant lodged an FIR (Crime No.801/2021 u/s 341, 133, 268, 269, 270, 290, 291, 427, 34 PPC) with PS Mobina Town; it was recommended by the investigating officer to be cancelled under `C` Class and was cancelled accordingly by learned XXIV (mistakenly written in memo as XXV)-Judicial Magistrate Karachi East 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 the applicant that the recommendation of the police for cancellation of subject FIR was based on dishonest investigation, therefore, it was not to have been accepted by the learned trial Magistrate by way of the impugned order; same being non-speaking is to be set aside by this Court with direction to learned trial Magistrate to order re-investigation of the case through an honest police officer.

None has come forward to advance arguments on behalf of the private respondents, however, learned Addl. PG for the State by supporting the impugned order has sought dismissal of the instant Crl. Misc. application

Heard arguments and perused the record.

If the applicant has a feeling that her FIR has been cancelled based on a dishonest investigation then she has remedy to exhaust in terms of Section 200 Cr.PC by filing a complaint of the incident before the Court having jurisdiction; such remedy if exhausted by the applicant besides being alternate would be adequate in the circumstances of the case. No illegality is noticed in the impugned order which may justify this Court to interfere with the same under the deception of its being non-speaking.

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

JUDGE

nadir*