

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.377 of 2024
(*Abu Al Fayyaz v. The State and others*)

Date	Order with signature of Judge
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1. For orders on MA No.4788/2024
2. For hearing of main case

17.05.2024

Mr. Muhammad Ramzan, advocate for the applicant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

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1. Granted subject to all just exceptions.
2. The applicant by making an application u/s 22-A/B Cr.PC sought the direction against SHO PS Orangi Town Karachi to record his statement for the purpose of FIR; it was dismissed by learned VIIIth-Additional Sessions Judge Karachi West / Ex-Officio Justice of Peace vide order dated 20.03.2024, which is impugned by the applicant before this Court by making the instant 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 to have dismissed the application of the applicant by way of the impugned order; the same being illegal is to be examined by this Court.

Heard arguments and perused the record.

If for the sake of arguments, it is believed that the incident as alleged by the applicant has taken place and for that, his FIR is not

being recorded by the SHO PS Orangi Town Karachi then he has to exhaust an alternate remedy by filing a complaint of the alleged incident in terms of Section 200 Cr.PC before the Court having jurisdiction; such remedy if exhausted by him besides being alternate would be adequate in the circumstance of the case. No illegality even otherwise is noticed in the impugned order which may justify this Court to interfere with the same.

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

J U D G E

Nadir*