

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.336 of 2024
(Sajid Ali Shah v. Muhammad Ashraf Khan and others)

Date	Order with signature of Judge
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1. For orders on office objection at A
2. For hearing of main case

20.05.2024

Ms. Sajma, advocate for the applicant
Mr. Muhammad Shahid Malik, advocate for the private respondent
Mr. Zahoor Shah, Additional Prosecutor General for the State

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Based on the allegation of criminal intimidation and use of criminal force, the applicant lodged an FIR with PS Civil Lines Karachi. On investigation, it was recommended by the Investigating Officer concerned to be disposed of under `C` Class and was cancelled accordingly by learned Ist Judicial Magistrate, South vide order dated 15.3.2024, which is impugned by the applicant before this Court by way of the instant Crl. Misc. Application u/s 561-A Cr. PC.

It is contended by the applicant that the recommendation of the police for cancellation of the subject FIR was based on a dishonest investigation, therefore, it was not to have been accepted by the learned trial Magistrate by way of the impugned order; the same being illegal 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, which is opposed by learned Addl. PG for the State and learned counsel for the private respondent by supporting the impugned order.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about three months; such delay could not be overlooked. The parties are disputing over the commission of the sale and purchase of the property. The FIR of the incident appears to have been recommended by the police to be cancelled under `C` Class, based on an honest investigation which has rightly been cancelled by the learned trial Magistrate by way of the impugned order which is not found illegal to be interfered with by this Court.

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

J U D G E

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