

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.59 of 2024
(*Mushtaque Raheem v. The State and others*)

Date	Order with signature of Judge
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1. For hearing of case
2. For hearing of MA No.737/24

30.05.2024

Mr.Nasrullah Malik, Advocate for the applicant
Ms. Rubina Qadir, DPG for the State
Mr. Nazim Baig, advocate for the private respondents

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It is alleged by the applicant that the private respondents in furtherance of their common intention besides making encroachment over his plots based on fake documents have taken away his belongings lying therein by committing criminal intimidation. Based on such allegations, he lodged an FIR with PS Manghopir. On investigation, it was recommended by the Investigating Officer to be cancelled under `C` Class and was cancelled accordingly by learned Jnd-Judicial Magistrate Karachi West vide order dated 21.12.2023, 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 Investigating Officer for cancellation of subject FIR under `C` Class was based on dishonest investigation, therefore, the

learned trial Magistrate ought not to have accepted the same by way of the impugned order; same being illegal is to be set aside by this Court with direction to learned trial Magistrate to pass the same afresh directing further investigation of the case.

Learned DPG for the State and learned counsel for the private respondents by supporting the impugned order have sought dismissal of the instant Crl. Misc. Appellation by contending that the applicant is a land grabber and is in the habit of involving innocent persons in false civil and criminal cases off and on.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of more than three months; such a delay could not be overlooked. The parties appear to be disputing over ownership and possession of the plots. The civil litigation between them is pending. Based on the honest investigation, the subject FIR has been recommended by the Investigating Officer of the case to be cancelled under `C` Class and has rightly been cancelled accordingly by the learned trial Magistrate by way of impugned order; it is not found illegal to be interfered with by this Court.

Having discussed above, the instant Crl. Misc. Application is dismissed accordingly.

J U D G E