

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.551 of 2024
(Mst. Jan Paroza v. The State and others)

Date	Order with signature of Judge
------	-------------------------------

1. For orders on MA No.7174/2024
2. For orders on MA No.6913/2024
3. For hearing of main case

31.05.2024

Mr. Imtiaz Ali Awan, advocate for the applicant

=====

1. Urgency granted.
2. Granted subject to all just exceptions.
3. It is alleged by the applicant that the proposed accused by encroaching over her plot had committed theft of her belongings therefrom and now are threatening her of murder. Based on such an allegation, she by making an application u/s 22-A/B Cr.PC sought the direction against SHO PS Rizvia Society Karachi to record her FIR for the said incident; it was dismissed by learned Vth- Additional Sessions Judge Karachi Central vide order dated 02.05.2024, 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, therefore, the same being illegal is to be examined by this Court.

Heard arguments and perused the record.

There is a dispute between the parties over possession of the plot; such dispute is of a civil nature which the applicant intends to convert into criminal malafidely under the garb of criminal intimidation. In these circumstances, the learned Ex-Officio Justice of Peace was right to dismiss the application of the applicant by way of the impugned order, which is not found illegal to be interfered with by this Court.

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 *limine*.

J U D G E

Nadir*