

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-418 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
	3. For hearing of M.A. No.6999/2024.

06.08.2024

Syed Shafique Ahmed Shah, Advocate for applicant.  
Ms. Rameshan Oad, Assistant Prosecutor General, Sindh along-with ASI Rabdino PS Fort Hyderabad.

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Syed Haroon (respondent No.3) herein approached the learned Ex-Officio Justice of Peace, Hyderabad with the allegation that police party of PS Fort Hyderabad without any due course of law entered in his house on 10.05.2024, looted valuable gold ornaments and then brought him alongside his family members to PS where they received Rs.250,000/- then released them. His aforesaid application seeking registration of FIR against present applicant Ali Rana and another Najeed being proposed accused was allowed by learned Ex-Officio Justice of Peace vide impugned order dated 01.07.2024, hence the present criminal miscellaneous application has been maintained.

Learned counsel for applicant submits that respondent No.3 involved the applicant falsely as his earlier application made to respondent No.1 at initial stage wherein applicant was not named however subsequently he improved his version in his application made under section 22-A 6 (i) (iii) Cr.P.C before learned Ex-Officio Justice of Peace and included the name of present applicant. He argues that it is mentioned in the police report that raid was conducted due to misunderstanding and even the charges were denied at inquiry stage, as such, sufficient material was produced by the applicant but it has been ignored by learned Ex-Officio Justice of Peace at the time of ordering registration of case against proposed accused. He next submits that neither applicant knows the respondent No.3 nor was present when raid was conducting at his house. He stressed that respondent No.3 did not disclose the source of information from which he came to know the name and involvement of present applicant couple with his address in this case. He lastly prays for indulgence of this Court by setting-aside the impugned order 01.07.2024.

Learned APG supported the impugned order.

Heard and record perused.

The reasoning assigned by learned Ex-Officio Justice of Peace in his para-5 is reproduced as under:

*“As per contents of application it appears that the police party including staff of PS Fort along with proposed accused persons had illegally raided upon the house of applicant, the raiding team was not accompanied by any lady constable who took valuable articles i.e. 1 ½ Tola, 01 Rado watch, Silver Payal of 06 Tola from the Almirah and brought the applicant, his elder brother Syed Bashir, Syed Nazeer, Syed Yaqoob at police station Fort and released them after receiving the amount of Rs.2,50,000/-. **During course of inquiry it was***

**admitted by the SHO of PS Fort before SDPO City that a raid was conducted on secret information due to some misunderstanding.** However, the officer conducting the search should accompany lady constable and give an opportunity to the women of such house to observe pardah in order to maintain the dignity and modesty of the women but the raiding police party failed to do so while this action is also not backed by any valid reason. The police or any other law enforcement agency cannot be allowed to manipulate the lawful process through deliberate illegal actions. The story reflects prima facie of a cognizable case, therefore, it is the right of applicant to have his like statement to be recorded in accordance with law. Thus the respondent No.2 is directed to record statement of applicant in his verbatim and if the same discloses a cognizable case of FIR, incorporate the same in 154 Cr.P.C book. The application stands disposed of according. However, this order shall not affect the legal proceedings, if any, lodged by either party. The application stands disposed of accordingly.”

It appears that the allegations leveled by respondent No.3 can be investigated after registration of FIR and applicant party also having opportunity to place their defence (if any) before investigating officer. No infirmity or illegality is found in the impugned order and the same does not require interference of this Court therefore instant Criminal Miscellaneous Application is dismissed.

JUDGE

Muhammad Danish \*