

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Application No.S-618 of 2023

Applicant: Taj Muhammad & 5 others,
through Mr. Muhammad Tarique
Panhwar, Advocate

Respondent No.1: Rafique Ahmed, through
Mr. Anwar Ali Lohar, Advocate

State: Through Ms. Shabana Naheed,
Assistant Prosecutor General

Date of hearing: **30.10.2023**
Date of decision: **30.10.2023**

ORDER

Arbab Ali Hakro, J: Through this application, the applicants have assailed the order dated 31.08.2023, passed by learned Sessions Judge/Ex-Officio Justice of Peace, Ghotki, in Crl. Misc. Appl. No.2354/2023, whereby allowing application u/s 22-A (6)(1) Cr. P.C, filed by Respondent No.1, directed the SHO concerned to record the statement of the applicant and register the FIR against the proposed accused if a cognizance offence is made out.

2. Learned Counsel for the applicants has contended that learned Ex-Officio Justice of Peace, without considering the real facts, has passed a non-speaking order; that there is a previous dispute between the parties over landed property; hence, respondent No.1 by managing a false story filed application before the Ex-Officio Justice of Peace; that applicant No.1 has challenged the MLC of the respondent No.1 before the Director Health Services Hyderabad which is pending; that learned Justice of Peace without touching the merits of the case, passed the impugned order in a hasty manner without applying judicious mind, which is liable to be set aside.

3. On the other hand, learned Counsel for respondent No.1 supporting the impugned order has sought for dismissal of the instant application, contending that the applicants have committed a cognizable offence causing injury to respondent No.1 and such medical certificate has been issued by the MO which corroborates the version of the respondent No.1, as such the learned Justice of Peace has rightly passed the impugned order and instant application is liable to be dismissed.

4. Learned APG has also supported the impugned order and submits that the learned Justice of Peace has passed a well-reasoned order which does not require any interference by this Court.

5. I have heard Counsel for the parties and have gone through the material available on record and impugned order.

6. From the perusal of the application under Section 22-A (6) (1) Cr.P.C prima facie reveals that the applicants had caused injuries to respondent No.1 by causing lathi and butt blows. Such medical certificate has been issued by the M.O which corroborates the allegations of respondent No.1. Therefore, while exercising powers vested in the Ex-officio Justice of Peace/Sessions Judge, Ghotki, he by the impugned order dated 31.08.2023 directed the concerned SHO to record the statement of the respondent No.1 and register the FIR against the applicants if a cognizable offence is made out.

7. As far as the contention of learned Counsel for the applicants that the applicants have challenged the medical certificate before the Medical Board is concerned, it may not be out of place to mention here that the applicants would have an alternate remedy to avail in case the Medical Board's report comes contrary. Needless to say, there are sufficient safeguards in the law against false implications in criminal cases with ulterior motives. After all, following registration of the case, an investigation into the case is to be conducted by the local police, including the collection of evidence either

proving or disproving the case by respondent No.1 against the applicants. After the collection of evidence, if the report is proven false and baseless, the police have ample powers to get the FIR cancelled and proceed against the lodger of the FIR/respondent No.1 under the law for lodging a false and concocted report for the harassment of applicants.

8. In view of the above, the learned Justice of Peace has passed a well-reasoned order and Counsel for the applicants has failed to point out any illegality or infirmity in the impugned order warranting interference by this Court. Resultantly, the impugned order dated 31.08.2023 is maintained, and the instant criminal miscellaneous application is dismissed.

JUDGE