

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-564 of 2023
(Mst. Zubeda Bhanbhro Vs. The & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For hearing of MA No. 4689/2023 (Ex./ A)
- 2. for hearing of main case.

12-02-2024.

Mr. Ghulam Umar Rajput advocate for the applicant.
Mr. Feroz Din Shaikh advocate for the private respondent.
Ms. Shabana Naheed, Assistant P.G for the State.

- 1. Deferred.
- 2. It is alleged by the applicant that private respondent has committed murder of her daughter Mst. Sanam by cutting her tongue. On the basis of such allegation, she by making an application u/s 22 A/B Cr.P.C sought for direction against SHO PS Kumb to record her FIR, it was dismissed by Additional Sessions Judge/Ex-Officio Justice of Peace, Gambat vide order dated 08-08-2023, which is impugned by the applicant before this Court by preferring the instant Crl. Misc. Application u/s 561-A Cr.P.C.
- 3. It is contended by learned counsel for the applicant that a cognizable offence has taken place, yet learned Ex-Officio Justice of Peace has declined to direct the police to record FIR of the applicant by way of impugned order; therefore such order being illegal is liable to be set aside by this Court.
- 4. Learned Assistant P.G for the State and learned counsel for the private respondent by supporting the impugned order have sought for dismissal of instant Crl. Misc. Application by contending that the deceased has died of her ailment at Karachi and her death is being given a cover of murder by the applicant malafidely.
- 5. Heard arguments and perused the record.

6. The allegation involves death of a person, it is serious in nature; therefore, same could not lost sight of by making an observation in summary manner that the deceased has died on account of her ailment at Karachi; ignoring her maltreatment allegedly at the hands of private respondent at her native place. Such allegation requires probe, which could only be conducted on registration of formal FIR of the incident. In these premises, the impugned order is set aside with direction to SHO PS Kumb to record the statement of the applicant for purpose of the FIR and then to proceed with the case/investigation in accordance with law.

7. The instant Crl. Misc. Application is disposed of accordingly.

Judge

Nasim/P.A

