

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Application No. S-928 of 2023

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on office objection.
2. For Orders on MA No. 7787/2024 (Ex./A)
3. For hearing of main case.
4. For Orders on MA No. 7788/2024 (Stay)

11-03-2024.

Mr. Ghulam Murtaza Korai, advocate for the applicant.
 Mr. Khan Muhammad Sangi, advocate for respondent No.3.
 Mr. Aftab Ahmed Shar, Additional P.G for the State.

1. Over ruled.
2. Granted subject to all just legal exceptions.
- 3&4. The applicant by way of instant Crl. Misc. Application u/s 561-A Cr.P.C has impugned an order dated 13-12-2023 whereby learned Additional Sessions Judge/Ex-Officio Justice of Peace, Pano Aqil has directed SHO PS Baiji Sharif to record statement of the private respondent for purpose of FIR against the applicant and others.

It is contended by learned counsel for the applicant that the FIR of the incident has already been recorded and the private respondent is intending to involve the applicant and others in false cases off and on only to settle his dispute with them over landed property. By contending so, he sought for setting aside of impugned order.

Learned Additional P.G for the State and learned counsel for the complainant while supporting the impugned order have sought for dismissal of instant Crl. Misc. Application by contending that the cognizable offence has taken place.

Heard arguments and perused the record.

The injuries sustained by some of the injured in present case are cognizable in nature; the registration of FIR of a cognizable offence could not be prevented under the pretext that the FIR of the same incident has already been recorded by the police. It is different to the present one. In these circumstances, learned Ex-Officio Justice of Peace has committed no illegality by directing the SHO PS Baiji Sharif to record the statement of the private respondent for purpose of FIR, which may justify this Court to interfere with the impugned order.

In view of above, the instant Crl. Misc. Application is dismissed.

J U D G E

Nasim/P.A

