

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Application No. 56 of 2024
(Zafar Ali v. District & Sessions Judge Thatta and 12 others)

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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- 1. For orders on MA No.673/2024
- 2. For hearing of main case

02.05.2024

Ms. Sanam Jameel , advocate for the applicant

It is alleged by the applicant that the proposed accused by maltreating him and his witnesses went away by making aerial firing to create harassment. Based on such an allegation, he by making an application u/s 22-A/B Cr.PC, sought direction against the police to record his FIR. It was dismissed by learned Additional Sessions Judge/ Ex-officio Justice of Peace Thatta vide order dated 29.12.2023, which is impugned by the applicant before this court by preferring the instant Crl. Misc. Application under Section 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 impugned order; the same being illegal is to be examined by this Court.

Heard arguments and perused the record.

As per the impugned order, the FIR of the subject incident has already been recorded by the police at the instance of someone else. If it

is believed that the incident as alleged by the applicant is other than the one, for which his FIR is not being recorded by the police, then he has an alternate remedy to exhaust under Section 200 Cr. PC by filing a direct complaint of the incident before the Court having jurisdiction. Such remedy if exhausted besides being alternate would be adequate in the circumstances. No illegality is noticed in the impugned order which may justify this court to interfere with the same by way of instant Crl. Misc. Application, it is dismissed in *limine*.

J U D G E