

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.458 of 2024
(*Shahmir Iqbal v. The SSP Thatta and 05 others*)

Date	Order with signature of Judge
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1. For order on MA No.5658/2024
2. For order on MA No.5659/2024
3. For hearing of main case

03.05.2024

Mr. Arfat Hussain Qureshi, advocate for the applicant

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1. Urgency granted.
2. Deferred.
3. It is alleged by the applicant that the proposed accused who were the police officials have taken away his belongings from his house. Based on such allegations he by making an application u/s 22-A/B Cr.PC sought a direction against the police to record his FIR; it was dismissed by learned IInd-Additional Sessions Judge/Ex-Officio Justice of Peace, Thatta vide order dated 24.04.2024, which is impugned by the applicant before this Court by way of instant Crl. Misc. Application under Section 561-A Cr. P C.

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, which being illegal is to be examined by this court.

Heard arguments and perused the record.

As per the impugned order, the applicant and his associates for having an encounter with the police party of PS Thatta are facing trial before the court having jurisdiction. Probably, the applicant to create pressure against the police official for favour intends to involve them in a false case malafidely. In these premises, learned Ex-Officio Justice of Peace was right to decline to issue direction against the police for recording the FIR of the applicant by way of the impugned order, which is not found illegal to be interfered with by this Court.

In the case of *Rai Ashraf and others vs Muhammad Saleem Bhatti and others* (PLD 2010 SC 691), it has been held by Apex Court that;

“The learned High Court had erred in law to exercise discretion in favour of the respondent No.1 without realizing that the respondent No.1 had filed application before the Additional Sessions Judge/Ex-Officio Justice of the Peace to restrain the public functionaries not to take action against him in accordance with the LDA Act 1975, Rules and Regulations framed thereunder, therefore, respondent No.1 had filed petition with mala fide intention and this aspect was not considered by the learned High Court in its true perspective.”

Consequent to the above discussion, the instant Crl. Misc. Application is dismissed in *limine*.

J U D G E