

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

Criminal Miscellaneous Application No.S-732 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
<u>23.01.2025</u>	<ol style="list-style-type: none">1. For orders on office objections.2. For hearing of main case.

Mr. Mukhtiar Ali Shahani, Advocate for applicant.
Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.
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Through this Criminal Miscellaneous Application, the applicant has impugned the order dated 08.10.2024 wherein his application seeking registration of FIR against proposed accused filed before learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Dadu was dismissed.

Per learned counsel initially both parties had received the injuries and the injuries received by the proposed accused Pervaiz was bailable and as per medical certificate the injuries of injured / applicant Hazar Ali were declared by doctor as 337-F(vi) PPC, as such, a cognizable offence was committed by the proposed accused which was not considered by the learned Trial Judge and in slipshod manner dismissed application. He lastly prayed for setting aside the impugned order by allowing instant application.

On the other hand, Mr. Abdul Salam Chandio, Advocate files Vakalatnama on behalf of respondent No.3 / proposed accused taken on record and supported the impugned order. However, he submits that no offence has been committed by respondent No.3 / proposed accused, therefore, he prays for maintaining the impugned order by dismissing instant application. However, learned APG also supported the impugned order.

I have heard the learned counsel for respective parties and perused the record.

It is settled principal of law that no offence goes unchecked and no accused can be free from his charges. In the instant case, learned counsel for the applicant submits that proposed accused persons committed offence wherein applicant Hazar Ali received injuries at their hands and as per medico-legal certificate the injury received by him was declared under section 337-F(vi) PPC which is a cognizable one. Under such circumstances, instant Criminal Miscellaneous Application is **allowed** consequently impugned order dated 08.10.2024 passed by learned Additional Sessions Judge-II / Ex-Officio Justice of Peace Dadu is hereby **set-aside**. SHO concerned is directed to record the statement of the applicant as per his verbatim if a cognizable offence is made out then same shall be incorporated in book kept under section 154 Cr.P.C regarding registration of FIR. In the meantime, no arrest shall be made until and unless tangible evidence is brought on record.

JUDGE