

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Misc. Application No. 843 of 2024

<i>Date</i>	<i>Order with signature of Judge</i>
Applicant Hameedullah son of Ahmed Khan	: through Mr. Abdul Haleem Jamali, Advocate
The State	: Through Ms. Seema Zaidi, Addl. Prosecutor General, Sindh.
Respondent No.1 Islam son of Abdul Majeed	: through Mr. Zakir Leghari, Advocate
Date of Hearing	: 01.10.2024
Date of Order	: 01.10.2024

ORDER

Muhammad Saleem Jessar, J:- Through instant Criminal Misc. Application, applicant Hameedullah son of Ahmed Khan has assailed order dated 26.07.2024 penned down by learned 6th Addl. Sessions Judge/Ex-Officio Justice of Peace, Karachi (West) whereby he has allowed an application under Section 22-A(6)(i) Cr.P.C vide Criminal Miscellaneous Application No. 1905 of 2024 (*re-Islam Versus The SHO, P.S Manghopir, Karachi and others*) filed by respondent No.1 and directed the SHO, P.S concerned to record statement of the applicant/respondent in terms of Section 154 Cr.P.C.

2. The brief facts of the case of respondent No.1 are that proposed accused wanted to have a piece of land in village Khamiso which they refused; hence, applicant/proposed accused were annoyed. On 17.03.2024, proposed accused No.1 came along with 10 to 15 outlaws at the house of relative of respondent No.1 namely Moula Bux where they made a quarrel

and tried to illegally dispossess them from the house. The applicant at that time was busy in offering Taraveeh prayer and after offering prayer, applicant as well as Imam Majid went at the house of Moula Bux where proposed accused started fighting and beaten to Moula Bux with stones and weapons. Due to such scuffling, relatives of respondent No.1 namely Abdul Khaliq and Muhammad Saleem had sustained injuries on their person who then were shifted to police station and later were brought at Abbasi Shaheed Hospital, Karachi via rickshaw. The police of P.S Manghopir, Karachi, instead of registering case of respondent, had implicated respondent's side in the false criminal case. Therefore, respondent No.1 made an application before Ex-Officio Justice of Peace which by order dated 26.07.2024 (impugned order) was allowed.

3. Learned counsel for the applicant submitted that allegations leveled by the respondent in his application are false and vague and the Court below has not heard him properly; hence, impugned order does suffer from many illegalities as well as infirmities which require interference by this Court. He, therefore, prayed that by granting instant application, impugned order may be set-aside.

4. On the other hand, learned Addl. P.G, Sindh appearing for the State, opposed the application and submitted that mere recording of statement does not constitute any offence as the FIR has to undergo through a process of investigation. She, therefore, submitted that instant application merits no consideration and sought its dismissal.

5. Learned counsel for respondent No.1 also opposed the application and submitted that applicant and others had committed a cognizable offence for which Ex-Officio Justice of Peace called certain reports from the concerned which too were placed in support of case of the respondent; hence, impugned order does not suffer from any illegality requiring interference by this Court.

6. **Heard arguments, record perused.** Perusal of impugned order as well as material placed before me on record reveals that upon onslaught made by the applicant and other companions upon the respondent, two persons namely Muhammad Saleem and Abdul Khaliq had sustained

injuries who then were brought at Abbasi Shaheed Hospital, Karachi by the police of P.S Manghopir, Karachi; hence, from averments so advanced, a prima facie cognizable offence was made out. Therefore, learned Ex-Officio Justice of Peace has rightly allowed the application filed by respondent No.1.

7. In view of above legal position, I am of the considered view that impugned order does not suffer from any illegality or infirmity which may require interference by this Court. Consequently, instant Criminal Misc. Application, being devoid of its merit, was dismissed by a short order dated 01.10.2024. Resultantly, impugned order dated 26.07.2024 passed by learned 6th Addl. Sessions Judge/Ex-Officio Justice of Peace, Karachi (West) was maintained and interim order dated 19.08.2024 passed by this Court, was recalled.

8. These are the reasons of said short order.

JUDGE

Zulfiqar/P.A