

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Misc. Application No.D-38 of 2024

Date	Order with signature of Judge
1.	For orders on M.A No.776/2024
2.	For orders on office objections
3.	For orders on M.A No.777/2024
4.	For orders on M.A No.778/2024
5.	For hearing of main case.

19.09.2024

Syed Khalil Ahmed Shah, Advocate for the Applicant

1. Urgency granted.
2. Deferred.
3. Granted subject to all just exceptions.

4&5. Through this Cr. Misc. Application filed under Section 561-A Cr.P.C, the applicant has prayed for quashment of FIR 20/2024, registered at P.S. FIA Cyber Crime Reporting Center, Sukkur, for offences punishable under Sections 20, 24 of PECA 2016 r/w Section 420, 468, 471, 506/2 PPC on the ground that Complainant and both the accused persons are residing at Karachi as evident from the annexures available at page-37 & 39, since the parties have already civil as well as criminal litigations against each other pending at Karachi, but the complainant of aforesaid FIR has maliciously disclosed that the accused persons are residing in Sukkur. Counsel adds that entire purpose of this complaint is to rope the applicants in this false litigation away from the place of their usual abode and the matter being meritless will not be proceeded with.

At this juncture, attention of learned Counsel has been drawn towards Section 249-A Cr.P.C where the Magistrate has power to acquit the accused at any stage and where the applicants have already obtained bail from 1st Civil Judge/Judicial Magistrate, Sukkur, hence why can't they make an application under the above provisions of law and raise all such grounds in the application. Having been appraised of the case law reported in **PLD 2016 Supreme Court 55** where effective and efficacious remedy is held to lay before the trial Court, Counsel does not press this application; however requests that appropriate directions may be issued to concerned Magistrate to decide the application under Section 249-A once filed by the Applicants.

In such circumstances, instant Cr. Misc. Application is disposed of with direction to the applicants to approach the concerned Court, make appropriate application(s) under the law in general and under Section 249-A Cr.P.C in particular and once such application is made, concerned Court shall hear and decide the same expeditiously.

JUDGE

JUDGE

Faisal Mumtaz/PS