

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl.Misc.Appln.No. 827 of 2023

Date	Order with signature of the Judge
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1. For hearing of main case.
2. For hearing of M.A No. 12768 of 2023

26.02.2025

M/s Muhammad Baqar Mehdi and Saba Abdul Rasheed advocate for the applicant
Mr. Ahtesham advocate for respondent No.5
Ms. Aisha Saeed, ADPP

ORDER

ALI HAIDER ADA---J., The applicant, through this Criminal Miscellaneous Application, challenged the order dated 13.10.2023 passed by the learned Vth-Additional Session Judge, Karachi Central in Crl.Misc.Appln.No. 2312 of 2023, on the application under Section 22-A&B Cr.PC filed by the respondents. The application is based that the applicant on 16.09.2023 along with other came to the house of the Petitioner demanded some amount, upon refusal they issued threats of dire consequences.

1. Learned counsel for the applicant submits that prior to the application under Section 22-A&B CrPC one application was moved by the respondent No.5 before concerned SHO, in which narrated another story which is contra with the application under Section 22-A&B CrPC as it was admitted by her that there is a some dispute arose with regard to the vehicles amount, the applicant lodged FIR against the complainant being FIR No. 440 of 2023 under Section 489-F PPC as the amount of Rs.66,200,000/= was involved and due to save skin, the respondent No.5 malafidely and with ulterior motives intended to file/initiate false litigation in order to pressurize the applicant party, he submits that earlier FIR No. 345

of 2023 was also registered by someone else against the respondent No.5 under Section 406 PPC as such they are habitual in nature.

2. On the other hand, learned counsel for the respondent No.5 submits that under Section 154 CrPC is right to record the statement which is very much available, therefore the incident must be reported before the police in order to establish the case; further submits that FIR No. 440 of 2023 was registered malafidely by the hands of applicant otherwise they have no concern with any transaction of vehicles.

3. Learned ADPP supported the order dated 13.10.2023 and contends that same is very much reasoning, the learned trial Court passed the order in which the right of respondent No.5 is extended.

4. Heard and perused the material available on record.

5. The Justice of Peace must apply his prudent mind to examine the entire facts and circumstances of the complaint while dealing with the application for registration of FIR and even such type of application should not be likely entertain and the same should not be decided in a mechanical manner by way of issuing direction for registration of FIR, as in the instant matter that already the FIR No. 440 of 2023 is pending and only in order to convert the litigation into their own will and wish the application under Section 22-A&B Cr.PC was filed, further the record reflects that the parties are in dispute on account of some transaction and an amount of Rs.66,200,000/= is involved. Prima facie, the application before Justice of Peace is not filed with clean hands. **(2024 SCMR 985 Munawar Alam Khan vs. Qurban Ali)**

6. In view of the foregoing circumstances, the instant Criminal Miscellaneous Application is hereby allowed and the order dated

13.10.2023 passed by the V-Additional Session Judge, Karachi Central in
Crl.Misc.Appln. No. 2312 of 2022 is hereby set aside and the Application
No. 2312 of 2023 stands dismissed.

The Criminal Miscellaneous applications stands disposed of.

J U D G E

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