

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Cr. Misc. Appl. No. S- 657 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGE

26.12.2019

For orders on office objection
For hearing of main case

Mr. Muhammad Akram Siddiqi, advocate for applicant

Mr. Abdul Hameed Bajwa, advocate files power on behalf of respondent No.6
which is taken on record.

Mr. Shahzado Saleem Nahiyoan, D.P.G. along with ASI Hafiz Matinullah Focal
Person SP Complaint Cell.

I have heard the parties. The applicant is aggrieved by the order dated 23.11.2019 passed by learned Illrd Additional Sessions Judge / Ex-Officio Justice of Peace dismissing his application under Section 22-A & B Cr.P.C. for registration of FIR against proposed accused namely Mubarak Ali alleging that he had demolished his house situated near Imam Bargah Bab-e-Ali, Unit No.11 Latifabad Hyderabad and took away household articles and construction material. Record reflects that before filing of application before learned Justice of Peace, the applicant had filed an application before SSP Complaint, who had conducted inquiry in which nothing was found against the proposed accused. Thereafter the matter was referred to ASI Hafiz Matinullah by learned Illrd Additional Sessions Judge in the course of application for FIR but he also found no evidence against the proposed accused. He is present today and has supported his findings by stating that he visited the site, recorded the statements of neighbours but nothing vis-a-vis the allegations was found against proposed accused.

In view of such fact, I do not find any illegality in the impugned order which is based upon proper appreciation of material. Accordingly, this application is dismissed. However, the applicant would be at liberty to avail alternate remedy, if so, advised.

JUDGE

karar_hussain/PS*

