

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

*Constt. Petition No. D- 328 of 2020 and
Crl. Misc. Appln. No. S- 220 of 2020.*

Date of hearing	Order with signature of Judge
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06.10.2020.

Mr. Abid Hussain Qadri, Advocate for petitioners.

Mr. Liaquat Ali Shar, Addl. A.G.

Mr. Aitbar Ali Bullo, Deputy Prosecutor General alongwith SIP
Shafqat Hussain SHO P.S Civil Line Jacobabad and ASI Inayat
Ali Channa.

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Through this petition the petition seeks quashment of FIR No.73/2020 on the ground that it is based on a false complaint by Respondent No.5 who being consumer of SSGCL is harassing the petitioner employees of SSGCL on account of detection of theft of gas by him. The FIR was registered on the orders of Justice of Peace dated 12.8.2020 despite the fact that such order was suspended by this Court in Cr. Misc. No. S-220 of 2020 on 18.8.2020. Thereafter due to registration of FIR present petition has been filed. On 2.9.2020 we had passed the following order;

None present on behalf of respondent No.5. Reports have been filed by concerned official respondent's/police officials. It appears that pursuant to an application filed under section 22-A and B Cr.PC, Additional Sessions Judge-II, Jacobabad vide order dated 12.8.2020 directed the police officials to record the statement of respondent No.5 and proceed further. Such order was impugned by the petitioner through Cr. Misc. Application No.S-220 of 2020 and on 18.8.2020, the said Order was suspended. However, it appears that on the very date FIR No.73/2020 for offence under section 506/2, 337-A(I),(FI),(H-II),504 and 34 PPC was registered and against such registration the present petition has been filed for its quashment. The case of the petitioner is that a false complaint was filed by respondent No.5, whereas the petitioner is an employee of Sui Southern Gas Company (SSGC) and a detection bill was issued against respondent No.5, who in retaliation filed a criminal miscellaneous application and got the FIR registered.

Counsel for the petitioner relies upon the report of DSP, Complaint Cell, SSP Office, Jacobabad, wherein the case of the petitioner was supported but despite this, the order was passed by the Additional Sessions Judge and FIR was registered. The respondent No.5 is called absent. Let notice be repeated upon respondent No.5 for next date of hearing.

Adjourned to **06.10.2020**, till then the proceedings before the trial court shall remain suspended.



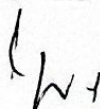
Today the SHO concerned is in attendance and submits that notice has been served upon Respondent No.5, who has informed that though he has been served; but would not appear before the Court. Accordingly, service is held good upon Respondent No.5.

The Investigation Officer of the case while confronted submits that FIR was lodged in the morning of 18.8.2020 whereas the order of the Court was received in the evening of 18.8.2020. We are totally unimpressed by his submission. He however, candidly concedes that as per his investigation read with report of DSP Complaint Cell, SSP Office Jacobabad furnished before the Justice of Peace, no such incident has taken place of which the F.I.R has been lodged and he was supposed to file final report / Challan to such effect before the concerned Magistrate but due to ad-interim orders of this Court he could not do so.

Though we have suspended proceedings before the trial Court; however, in view of the above position, the investigating officer is directed to file final challan of the case on the basis of his investigation and the statement given to us today and on such presentation the Magistrate is directed to pass an appropriate order(s) on it within 15 days from today, keeping in view the above position and the orders passed by this Court from time to time. Once such exercise is carried out the trial Court is directed to place compliance report before this Court for perusal.

Insofar as Crl. Misc. Appln. No.S-220 of 2020 is concerned, the same has become infructuous in view of the aforesaid orders passed in this Petition and is therefore disposed of accordingly.

To come up on 20.10.2020. Interim orders passed earlier, as modified today, to continue.



Judge

  
Judge