

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Misc. Appl. No.896 of 2024

Date	Order with signature of the Judge
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For hearing of main case

26.11.2024.

Mr. Gul Muhammad Farooqi, Advocate for applicant.
Ms. Rahat Ahsan, Addl. P.G. a/w SIP Muhammad Rizwan P.S. Malir City.

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MUHAMMAD IQBAL KALHORO J: I have heard learned counsel for applicant who has challenged an order passed on 02.08.2024 on a report u/s 173 Cr.P.C. in Crime No.11/2024 U/s 506/2, 504, 34 PPC of P.S. Ghorabari District Thatta giving directions to SHO P.S. Ghorabari to take legal action against complainant as required by law after accepting report of the I.O. disposing of the case under “B” class.

2. Learned counsel for applicant submits that this order is in violation of section 195-B Cr.P.C which lays down that no court shall take cognizance of an offence u/s 182 PPC unless a complaint is made. Through order, the Magistrate has not taken cognizance of the offence u/s 182 PPC but he has directed the SHO to take action in accordance with law, which means, that if necessary, a complaint be filed in terms of section 182 PPC. No exception, therefore, could be taken of such directions, nor the same can be considered in violation of section 195-B Cr.P.C. This legal position has been admitted by learned Addl.P.G. who has also supported the impugned order.

3. In view of above, I find no merits in this application and dismiss it accordingly.

The Cr. Misc. Application is disposed of.

JUDGE

A.K