

ORDER SHEET

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.**

Constt: Pett: No.D-1374 of 2014.

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Date	Order with signature of judge.
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- 1.For orders on office objection as flag A.
- 2.For order on M.A No.2289 of 2015.
- 3.For Katcha Peshi.

08.05.2015.

Mr. Abid Hussain Qadri, advocate for petitioners.

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**NAZAR AKBAR-J**,- Through this petition, the petitioners have sought the following relief(s):-

- a) That this Honourable Court may graciously be pleased to direct the respondents to ensure the arrest of all the accused of Crime No.133 of 2014 of P.S Bakrani and protection to the petitioners party may be ensured through the SSP Larkana.
- b) That direct the respondent No.5/DIG Larkana to get conducted the impartial enquiry against the respondent No.1/SIP Mohammad Khan Abro, after in the light of enquiry departmental as well as penal action may be initiated against the respondent No.1 and report maybe submitted before this Honourable Court.
- c) That direct the respondent No.5/D.I.G Larkana to transfer the investigation in crime No.133 of 2014 from respondent No.2 to any other officer not below the rank of DSP/ASP of the other district than District Larkana.
- d) To direct the respondents to provide the protection to the petitioner and his witnesses in accordance with law.
- e) Any other equitable relief this honourable Court deems fit and proper.

The perusal of the file shows that at the request of petitioner No.2, the respondent No.4 had already initiated an

inquiry as requested in prayer clause 'b' above. Annexure 'B' page 17 is the letter of SSP Larkana whereby he has already directed the SSP Headquarter Larkana to conduct impartial inquiry on the application of petitioner No.2. Further perusal of the documents annexed with the petition reveals that the petitioners have private dispute regarding entry in revenue record on the basis of registered sale deed with some private respondents who are not even party in this petition and against them an FIR has already been lodged bearing Crime No.18 of 2014 of P.S Bakrani. This petition seems to be one more attempt to develop further pressure on the private respondents with whom the petitioners have a private dispute.

The petitioner No.2 had earlier filed C.P No.S-938 of 2014 in which the official respondents and one Qurban Ali were also party, and the dispute was about agricultural land bearing Survey No.135 deh Shaikh Fojo Taluka Bakrani in which a similar prayer for harassment was made. However, the petitioner has not disclosed whether such petition is pending or it has been disposed of, therefore, question arises that in presence of similar petition why another petition with slightly modified prayer has been filed.

The perusal of earlier petition No.S-938 of 2014 annexed with this petition shows that there are counter cases between the petitioners and private respondents and the private respondent has also lodged FIR No.74 of 2014 of P.S Bakrani against the petitioners and the issue involved therein is one and the same regarding dispute over a piece of agricultural land situated in deh Shaikh Fojo Taluka Bakrani.

The FIR No.133 of 2014 annexure "A" to the petition and two earlier FIRs bearing No.18 of 2014 and 74 of 2014 are

almost between same parties with small variation. Since parties are facing trial as challans have been submitted by the police in these FIRs therefore, any observation or comments from this Court would prejudice the case of either party and may even be misused by the investigating agency to favour either of the parties. In the circumstance, while dismissing this petition as not maintainable we would direct the official respondents to act in accordance with law and should not cause any harassment to the petitioners or any other private respondent.

This petition was dismissed by a short order dated 08.05.2015 and these are the reasons for the same.

JUDGE

JUDGE

shabir