



DECISION

Complaint No. : POS/3676/ 2024

Name and address of the complainant : Mr. Sooraj S/o Mavji Mal Kolhi,
R/o village Sobho Mal Kolhi, Deh Banari, Taluka &
District Badin.

Name of the Agency Complained against : Police Department, Badin.

Name & Designation of Investigating Officer : Syed Muhammad Sajjad Hyder
Regional Director, Badin

Vetted by :

Subject : **COMPLAINT AGAINST STAFF OF POLICE STATION
BADIN, FOR ALLEGED REFUSAL TO REGISTER FIR
AGAINST THE OPPONENTS WHO INJURED THE
COMPLAINANT.**

THE COMPLAINT

Mr. Sooraj S/o Mavji Kolhi filed a complaint on 22-08-2024, stating therein that his opponents Goveenda Kolhi and others quarreled with him and injured him near his house on 04-07-2024 and such N.C was lodged at Police Station and he was referred to the Hospital. The complainant after treatment obtained Medical Certificate which he produced before the Police Station Badin, for registration of FIR against the opponents but of no avail. He also approached SSP Badin but no remedial action was taken. Being aggrieved, he solicited intervention of this Institution in the matter for redressal.

PROCEEDINGS

2. The complaint was admitted under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended upto date), after receiving the mandatory Affidavit on form "A" and other relevant documents for investigation.
3. Thereafter the report in the matter was called from the Senior Superintendent of Police Badin vide this office letter dated 14-10-2024. In response, the Deputy Superintendent of Police, Complaint Redressal Cell, Badin, submitted report vide letter dated 22-10-2024, whereby he has informed that during the enquiry, the complainant filed an application U/S 22- A and B Cr.Pc before the Honorable Court of Sessions Judge and Ex-Office Justice of Peace Badin, which was declined and dismissed by the Honorable Court vide order dated 13-08-2024. The applicant then filed Direct Complaint before the Learned Civil Judge and Judicial Magistrate Badin-I, which is pending adjudication.

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COMPLAINANT'S REJOINDER

4. A copy of aforementioned report was handed over to the complainant on 23-10-2024, for filing his rejoinder in the matter. In response the complainant appeared before the Investigating Officer on 06-11-2024 and submitted his written statement stating the same contention already mentioned in his complaint.

FINDINGS

5. i. The complaint was in fact against the police for not registration the FIR against the proposed accused.
- ii. The complainant did not disclose in his complaint dated 22-08-2024 that his application U/S 22- A and B CrP.C has been disposed of by the Session Judge/ Ex. Office Justice of Peace, Badin, vide order dated 13.08.2024, as he has failed to make out his case for registration of FIR.
- iii. The complainant has filed direct complaint before the Civil Judge and Judicial Magistrate -1, Badin on 26-08-2024, which is sub judice in the court of Law.
- vi. Since the matter is sub judice before the Court of Law and as a legal principle aggrieved person cannot seek remedies from two different forums simultaneously for the same grievance, therefore at this juncture no action is warranted to be taken in a sub judice matter.

DECISION

6. In view of the above, the complaint of the complainant is dismissed and the case file is consigned to record.

Given under my hand and seal of this office.



Sd /-
(Muhammad Sohail Rajput)
Sitara-e-Imtiaz. PAS
Ombudsman, Sindh

Karachi: dated 7th March , 2025