

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Jawad Akbar Sarwana

Criminal Misc. Application No. 624 of 2025

Applicant : Qadir Bux Khaskheli s/o Khamiso
Khaskheli through Mr. Haider Ali
Abbasi, Advocate

v.

Respondent No.1 : SSP Thatta

Respondent No.2 : SHO PS Makli.

Respondent No.3 : Abdul Haq s/o Mohammad Hashim
Khaskheli through Aijaz Ali
Khaskhili, Advocate

Respondent No.4 : The State through
Mr. Muhammad Noonari, APG

Date of Hearing : 12.09.2025

Date of Decision : 17.09.2025

ORDER

Jawad Akbar Sarwana, J.: Respondent No.3/complainant, Abdul Haq s/o Muhammad Hashim b/c Khaskheli filed Cr. Misc. Appln. No.572/2025 with the Additional Sessions Judge-1/Malir, Thatta/Ex-Officio Justice of Peace that five (5) proposed accused from the Gul Manda Village, including, inter alia, the applicant/proposed accused no.1, allegedly committed certain criminal offences as on 28.06.2025. After calling for the police report, and perusing the MLO Certificate, the learned Ex-Officio Justice of Peace vide impugned Order dated 15.07.2025, directed that the Police Authorities record the Statement of the accused under Section 154 Cr.P.C. and if a cognizable offence is made out, then to proceed against the five (5) proposed accused in accordance with law.

2. Qadir Bux Khaskheli, s/o Khamiso Khaskheli, r/o Village Ali Asghar Shah/proposed accused no.1, is aggrieved by the

impugned Order dated 15.07.2025. He contends that the Police Report, called from the police authorities, reported that there was only a verbal scuffle and no one was injured. The Counsel for the proposed accused no.1 further contends that even if the MLO is accepted, then the injury in the said certificate is described as "Pain in Right hand and Arm," which is non-cognizable.

3. Counsel for the complainant vehemently opposes the submission made by the applicant/proposed accused. He contends that the investigation mentioned in the MLO Certificate describes the nature of injury in the opinion of the MLO to include a lesion seen in x-ray, too, and that the injury is from a hard and blunt weapon. He argues that further information regarding the crime can only emerge after recording the statements of the accused, injured persons, and witnesses. However, with the ad-interim stay order passed by this Court on the very first date of hearing of this application, the investigation has been temporarily stalled.

4. Heard Counsel and learned APG. The complainant, respondent no.3, has vividly described the alleged incident of 28.06.2025. He has also assigned the role of each of the proposed accused, viz., each injured person and the mode used (butt of gun blows, lathi blows, fists and kicks, physical pushing, etc.). The MLO certificate in issue concerns injury to a woman with an apparently hard and blunt weapon. Other women are also alleged to be victims in the incident. The ingredients of the crime are not limited to physical hurt alone. Even if the applicant/proposed accused defence that the incident was merely a squabble or bickering, yet it is not denied that such an incident involved womenfolk, which in itself calls for inquiry from a gender perspective, and depending on the outcome of such investigation, may or may not involve offence against women, which are cognizable. Additionally, the allegation by the respondent no.3/Abdul Haq, that the proposed accused forcibly

entered his home without permission is not denied, either. The point is, it is too early to say, and the matter requires the recording of statement under Section 154 Cr.P.C. and depending on that, if an offence is made out, then the lodging of an FIR and if the claims are false, then further course of action may be taken, as articulated in the impugned Order.

5. There is no defect in the Order passed by the Ex Officio Justice of Peace, and I do not find any illegality, irregularity, or legal oversight in the impugned Order. Consequently, this cr. misc. appln. is dismissed for the above reasons.

J U D G E