

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

Criminal Misc. Application No.S-190 of 2024

Applicant : Mst. Haseena w/o Khair Muhammad Debar
Through Mr. Nawabuddin Chandio, Advocate

The State: Through Mr. Nazir Ahmed Bhangwar, DPG.

Criminal Misc. Application No.S-271 of 2024

Applicant : Mst. Haseena w/o Khair Muhammad Debar
Through Mr. Nawabuddin Chandio, Advocate

Respondents No.4,5,7 & 8: Through Mr. Asif Ali Abdul Razzak Soomro,
Advocate

The State: Through Mr. Nazir Ahmed Bhangwar, DPG.

Date of hearing: 19.05.2025

Date of Judgment: 19.05.2025

ORDER

Jan Ali Junejo, J :- The Applicant has challenged the Order dated 15.05.2024 (hereinafter referred to as the “First Impugned Order”), passed in Criminal Misc. Application No. 702 of 2024 by the Court of the VIth Additional Sessions Judge/Ex-Officio Justice of Peace, Larkana, through Criminal Misc. Application No. S-190 of 2024 before this Court. Furthermore, the Applicant has also impugned the Order dated 30.07.2024 (hereinafter referred to as the “Second Impugned Order”), passed in Criminal Misc. Application No. 1234 of 2024 by the same Court, through Criminal Misc. Application No. S-271 of 2024 before this Court.

Brief Facts in Criminal Misc. Application No. S-190 of 2024

2. The Applicant, Mst. Haseena, a resident of Village Mian Khan Khakhrani, District Larkana, filed an application under Section 22-A(6)(i) Cr.P.C. (Criminal Misc. Application No. 702 of 2024) before the learned Sessions Judge, which was

subsequently referred to the Court of the learned VIth Additional Sessions Judge/Ex-Officio Justice of Peace, Larkana. Through the said application, she sought directions for the registration of an FIR against SHO Saifullah, ASI Ayaz Hussain Shahani, HC Riaz Waggan, and PC Rajib Bhagat. She alleged that the proposed accused, armed with lethal weapons, forcibly entered her residence, created a situation of panic, subjected her family to maltreatment, looted valuable household items, and abducted her son, Sartaj Ali. She further claimed that illegal gratification was demanded for his release, accompanied by threats to “full/half fry” him in case of non-payment. The respondent police officials denied the allegations, asserting that no such incident had occurred and that the applicant's intent was to shield her relatives, who were allegedly involved in criminal activities, from lawful police action. Upon evaluating the material available on record, including the police reports, the learned Ex-Officio Justice of Peace concluded that the allegations were false, frivolous, and motivated by malafide intentions. Accordingly, the application was dismissed for lack of merit.

Brief Facts in Criminal Misc. Application No. S-271 of 2024

3. The Applicant, Mst. Haseena, filed another application under Section 22-A(6)(i) Cr.P.C. (Criminal Misc. Application No. 1234 of 2024) before the learned Sessions Judge, which was referred to the Court of the learned VIth Additional Sessions Judge/Ex-Officio Justice of Peace, Larkana. Through this application, she sought directions for the registration of an FIR against senior police officials, including SSP Rohal Khan Khoso, various SHOs, the CIA In-Charge, and other named and unnamed police personnel. She alleged that on 09.05.2024, SHO Safiullah Ansari and others unlawfully entered her home, illegally detained her son, Sartaj Ahmed, and looted household items. She further alleged that the police demanded illegal gratification for his release. According to her, on 06.06.2024, she was lured to a fish pond near Village Mehboob Jeho via a phone

call, where she purportedly witnessed SSP Rohal Khan Khoso and on whose instigation, the other police officials open fire, killing her son, Sartaj Ahmed, and another individual named Dadlo in her presence. She claimed the incident was falsely portrayed as a police encounter, and FIR No.11/2024 was registered at Police Station Rasheed Waggan to cover up the alleged extrajudicial killing. The Applicant asserted that this was done to compel her to withdraw a pending petition before the High Court concerning her son's earlier abduction. In response, the police submitted documentary evidence indicating that Sartaj Ahmed and Dadlo were habitual offenders and were killed in an actual police encounter during which two police constables were also injured. An FIR had already been registered, and the matter was under investigation. The investigation concluded, and the challan was duly submitted before the learned Anti-Terrorism Court, Larkana. Upon examining the available record, the learned Ex-Officio Justice of Peace found no merit in the application and accordingly dismissed it.

4. The applicant's learned counsel argued that the SHO violated statutory obligations under Section 154 Cr.P.C. by refusing to register an FIR despite clear allegations of trespass, theft, abduction, and extortion against police officials, disclosing cognizable offenses. It is asserted that an Ex-Officio Justice of Peace need not await police reports before directing FIR registration. It was further contended that the police colluded to fabricate FIR No. 11/2024 (false encounter) to legitimize the killing of Sartaj Ali and another individual, demonstrating mala fide intent. It is further argued that the dismissal of the earlier petition (Crl. Misc. No. 702/2024) was criticized as arbitrary, with claims that the Sessions Judge ignored precedents, which mandates immediate FIR registration for cognizable offenses. Lastly, the learned counsel prayed for allowing the present Criminal Misc. Applications.

5. The respondents' learned counsel countered that the applicant's allegations were fabricated, citing the District Complaint & Redressal Cell's report confirming no police raid occurred and highlighting the criminal history of the applicant's family. They argued the petition was an abuse of process aimed at shielding relatives from ongoing investigations and harassing police officials. It is further argued that the impugned order was defended as procedurally sound, with the Sessions Judge exercising quasi-judicial discretion per *Younas Abbas v. Additional Sessions Judge, Chakwal (2016 PLD SC 581)*, which requires evaluating evidence before directing FIR registration. Lastly, the learned counsel for Respondents prayed for dismissal of the Criminal Misc. Applications.

6. The learned DPG supported the impugned order, emphasizing that the Justice of Peace acted within jurisdictional bounds by dismissing the application after scrutinizing police reports, witness statements, and the applicant's unsubstantiated claims. It was asserted that no prima facie evidence of cognizable offenses existed. The DPG further highlighted that the applicant's inconsistent timelines (e.g., Sartaj Ali's alleged abduction in May 2024 versus subsequent claims of his murder in June 2024) undermined her credibility. Lastly, the learned DPG prayed for dismissal of the present Criminal Misc. Applications.

7. I have carefully considered the arguments presented by the learned counsel for both parties and examined the material available on record. Upon review, it appears that the learned VI-Additional Sessions Judge/Ex-Officio Justice of Peace, Larkana, dismissed the applicant's petition filed under Section 22-A(6)(i) Cr.P.C., holding that no cognizable offence had been made out to warrant the registration of an FIR. The decision was primarily based on the report of the District Complaint & Redressal Cell, which stated that no police

raid had taken place and further noted the applicant's family's involvement in criminal activities. These findings suggested that the said applications were filed with malicious intent to hinder lawful investigation/trial proceedings. The judicial approach of the learned Ex-Officio Justice of Peace was consistent with the principles laid down in *Younas Abbas v. Additional Sessions Judge, Chakwal (PLD 2016 SC 581)*, which underscores the quasi-judicial responsibility of the Ex-Officio Justice of Peace to evaluate the available material judiciously, rather than issuing directions for FIR registration in a mechanical or perfunctory manner. The reports submitted by the police authorities before the learned Ex-Officio Justice of Peace reveal that, on 06.06.2024 at approximately 1710 hours, an encounter took place between the police and certain alleged criminals. During this exchange, Sartaj Ahmed and Dadlo were found dead at the scene, each reportedly in possession of a weapon. Two police constables, namely Abdul Haq and Aamir Ali, also allegedly sustained injuries in the crossfire. Medical certificates documenting their injuries were placed on record. In connection with the incident, FIR No. 11/2024 was registered at Police Station Rasheed Waggan under Sections 402, 324, 353, 148, 149 of the Pakistan Penal Code (PPC), along with Sections 6/7 of the Anti-Terrorism Act (ATA) and Section 24 of the Sindh Arms Act (SAA), on behalf of the State. It was further brought to the Court's attention that the investigation has been concluded and a final report/challan has been submitted before the learned Anti-Terrorism Court, Larkana, where it is currently pending adjudication. In light of the material placed on record, it emerges that the Applicant's son and his associates were nominated in multiple criminal cases registered at various police stations. As for the narrative presented by the applicant, it pertains to the same incident already covered under FIR No. 11/2024, which details an armed encounter resulting in the deaths of Sartaj Ahmed and Dadlo. The Honourable Supreme Court of

Pakistan, in *Mst. Sughra Bibi v. The State (PLD 2018 SC 595)*, has laid down binding principles regarding the registration of FIRs. It was held that only one FIR may be registered in respect of a single incident, and alternative or conflicting versions by either party cannot form the basis for a second FIR. Therefore, in view of the existing FIR No. 11/2024, which already encapsulates the facts and allegations concerning the incident, registration of a second FIR based on a different version advanced by the applicant is legally impermissible. Accordingly, the impugned orders reflect a judicious application of mind to the facts and law. There is no indication of jurisdictional error, material irregularity, or misapplication of legal principles. Consequently, this Court finds no justification to invoke its inherent powers under Section 561-A Cr.P.C. for interference.

8. In view of the foregoing discussion, the present Criminal Miscellaneous Applications, being devoid of any substantive merit, are hereby dismissed.

JUDGE