

THE HIGH COURT OF SINDH, CIRCUIT COURT AT LARKANA

Cr. Misc. Application No.S-293 of 2026

(Muhammad Ibrahim v. SHO PS Bakrani & others)

14.09.2026

Mr. Abu Bakar Masood Bhutto, advocate for applicant.

Mr. Aitbar Ali Bullo, D.P.G., Sindh.

ORDER.

RIAZAT ALI SAHAR, J.- Through this Criminal Miscellaneous Application, the applicant has called in question the order dated 21.08.2026 passed by the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace, Larkana, in Cr. Misc. Application No.1499 of 2026, whereby the application under Section 22-A(6), Cr.P.C. filed by respondent No.3 Ghulam Hyder Pirzado was allowed and the SHO, Police Station Bakrani, was directed to record the statement of the applicant/respondent No.3 and, if the same disclosed a cognizable offence, proceed further in accordance with Section 154, Cr.P.C.

2. During pendency of the present proceedings, however, an application was filed before the learned Ex-Officio Justice of Peace alleging non-compliance of the order dated 21.08.2026. The subsequent order dated 29.08.2026 was passed wherein the SHO, Police Station Bakrani, was described in the cause title as “**Contemnor/respondent**” and was directed to comply with the order of the Court.

3. The record further shows that, pursuant to the subsequent proceedings, the F.I.R. was registered against the present applicant. This Court, in its order dated 07.09.2026, has already noticed that the F.I.R. stood registered and, consequently, observed that the present Criminal Miscellaneous Application had, to that extent, become infructuous, while the matter was kept pending for appropriate orders after receipt of the explanation of the learned Ex-Officio Justice of Peace.

4. In view of the subsequent registration of the F.I.R., no useful purpose would now be served by adjudicating upon the validity or otherwise of the original direction dated 21.08.2026 insofar as it concerned recording of the statement and proceeding in accordance with Section 154, Cr.P.C. The challenge to the said order has, therefore, to that extent, become infructuous.

5. The question which nevertheless survives for determination is whether, after passing the order dated 21.08.2026 in exercise of jurisdiction under Section 22-A(6), Cr.P.C., the learned Ex-Officio Justice of Peace possessed jurisdiction to entertain the subsequent application in the nature in which it was dealt with and to proceed against the SHO as a "Contemnor/respondent." The answer has to be considered in the light of the authoritative pronouncement of the Honourable Supreme Court in the case of **Younas Abbas and others v. Additional Sessions Judge, Chakwal and others, PLD 2016 SC 581**. The Honourable Supreme Court has held that the functions performed by an Ex-Officio Justice of Peace under clauses (i), (ii) and (iii) of Section 22-A(6), Cr.P.C. are **quasi-judicial** in nature. Such authority entertains applications, examines the record, hears the parties, passes orders and issues directions upon due application of mind; hence, the functions cannot be characterized as executive, administrative or ministerial. The Supreme Court, however, recognized these functions specifically within the statutory framework of Section 22-A(6). **The significance of the aforesaid pronouncement is that the Ex-Officio Justice of Peace exercises a quasi-judicial jurisdiction, but nevertheless a limited statutory jurisdiction. The designation of the functions as quasi-judicial cannot be construed as conferring upon the Ex-Officio Justice of Peace all the powers of a criminal Court, nor can such characterization enlarge the jurisdiction expressly conferred by Section 22-A(6), Cr.P.C. Section 22-A(6), Cr.P.C. specifically empowers the Ex-Officio Justice of Peace to issue appropriate directions in matters concerning, *inter alia*, non-registration of a criminal case, transfer of investigation, and neglect, failure or excess committed by a police authority in relation to its functions and duties. Thus, where a police authority fails or neglects to perform a statutory duty, the Justice of Peace may exercise the jurisdiction vested in him by Section 22-A(6)(iii), but the provision does not confer an independent or general jurisdiction to initiate and adjudicate proceedings for contempt.**

6. In the present case, the original order dated 21.08.2026 was itself a quasi-judicial order passed within the limited statutory jurisdiction of Section 22-A(6), Cr.P.C. The subsequent application, therefore, could not, merely by alleging non-compliance with that order, enlarge the jurisdiction of the learned Ex-Officio Justice of Peace into a jurisdiction to proceed against the SHO as a contemnor. There is a material distinction between seeking compliance with a statutory direction within the scope of Section 22-A(6)(iii), Cr.P.C. and assuming contempt jurisdiction for alleged disobedience of a quasi-judicial order. The subsequent order dated 29.08.2026 assumes particular significance because, irrespective of the nomenclature subsequently attributed to the application, the SHO was expressly shown as “**Contemnor/respondent.**” The substance and effect of a judicial proceeding cannot be determined merely by the label subsequently assigned to it. The explanation submitted by the learned Vth Additional Sessions judge, Larkana/Ex-Officio Justice of Peace states that the subsequent application was treated merely as an application for implementation, that the SHO was called with a report to ascertain the factual position and that neither contempt proceedings nor contempt notice were initiated. Reliance has also been placed upon Section 22-A(6)(iii), Cr.P.C. and *Zulfiqar v. Additional Sessions Judge/Ex-Officio Justice of Peace, Lahore, 2021 P.Cr.L.J. 1779*. However, the Court has to examine the **actual judicial act and its legal effect**. The description of the SHO as “**Contemnor/respondent**” in the order dated 29.08.2026 gives the subsequent proceeding a character materially different from a mere administrative communication or an ordinary follow-up for compliance. More importantly, **quasi-judicial status** itself cannot supply a power which the statute has not conferred. The distinction is therefore maintained between the **original quasi-judicial** jurisdiction and the subsequent **purported contempt jurisdiction**. The former was lawfully referable to Section 22-A(6), Cr.P.C.; the latter could not be assumed merely as an **ancillary or consequential power**. The principle that an authority exercising limited statutory jurisdiction cannot travel beyond the jurisdiction conferred upon it is particularly applicable where the subsequent proceeding carries the character of contempt.

7. It is also noteworthy that this Court, in its order dated 07.09.2026, had already observed that an Ex-Officio Justice of Peace does not

exercise the jurisdiction of a criminal Court, that his authority is quasi-judicial in nature and conferred with limited statutory powers under the Code of Criminal Procedure, and that, *prima facie*, a contempt application of the nature entertained in the instant case could not have been proceeded with in exercise of such limited jurisdiction.

8. In view of what has been discussed above, the present application is **disposed of as having become infructuous to the extent it challenges the order dated 21.08.2026, as the F.I.R. has already been registered pursuant thereto.** However, insofar as the subsequent proceedings/order dated 29.08.2026 are concerned, the same are found to have travelled beyond the limited statutory jurisdiction available to the Ex-Officio Justice of Peace under Section 22-A(6), Cr.P.C. **The learned Ex-Officio Justice of Peace, being a quasi-judicial authority exercising limited statutory powers, could not assume contempt jurisdiction merely because an allegation of non-compliance of his earlier quasi-judicial order was brought before him.** Accordingly, the order dated 29.08.2026, insofar as it proceeds against the SHO in the capacity of “**Contemnor/respondent,**” is without lawful jurisdiction and is set aside to that extent. This determination shall not affect the validity of the F.I.R. already registered pursuant to the order dated 21.08.2026, nor shall it prejudice any lawful investigation or proceedings arising therefrom in accordance with law.

9. The explanation submitted by the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace, Larkana, is taken on record and the matter stands disposed of accordingly.

10. Let the copy of this order be transmitted to Additional Sessions Judge-VI and District & Sessions Judge, Larkana for future guidelines.

JUDGE

APPROVED FOR REPORTING