

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Miscellaneous Application No.364 of 2025

Applicant : Muhammad Shahid Gujjar  
Through Mr. Liaquat Ali Khan, advocate

Date of hearing : 09.05.2025

Date of order : 19.05.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J:** - This Criminal Miscellaneous Application under Section 561-A Cr.P.C. impugns the order dated 11.04.2025 passed by the learned VIth Additional Sessions Judge, Karachi East (Ex-Officio Justice of Peace) in Criminal Misc. Application No. 1416/2025, whereby the applicant's prayer for registration of FIR against private respondents No.3 to 11 was declined.

2. The case of the applicant is that he and his sons were allegedly attacked and injured by private respondents (who are close relatives) on 16.03.2025 at his milk shop, during which mobile phones and cash were allegedly snatched, and shop property damaged. The applicant claims that the incident is supported by medical certificates, CCTV footage, and mobile phone recordings. He further asserts that the police failed to register the FIR despite approaching them with evidence, and that the learned Ex-Officio Justice of Peace erred in law in dismissing his application under Sections 22-A and 22-B Cr.P.C.

3. I have heard the arguments of learned advocate for applicant, learned APG for the State and meticulous gone through the record. From the record, it appears that the learned Ex-Officio Justice of Peace had directed issuance of MLO letters and called for a police report, which was duly submitted. The impugned order reflects that the learned Judge, after examining the material, found that an FIR had already been lodged by one of the private respondents, and that the parties were involved in a family dispute over property and business. It was also noted that the applicant had the remedy of joining investigation, producing material in his possession, and asserting his version therein.

4. The Hon'ble Supreme Court in the landmark case of *Mst. Sughran Bibi v. The State* (PLD 2018 SC 595) laid down the principle that multiple versions of an occurrence are to be incorporated during investigation and not by registering multiple FIRs for the same incident. It was held that if the complainant's version differs from the already lodged FIR, the remedy lies in participating in the investigation, having the statement recorded under Section 161 Cr.P.C., and presenting the available evidence. The registration of a second FIR in such cases is not permissible unless it pertains to a distinct occurrence.

5. In the present case, the learned Ex-Officio Justice of Peace rightly refrained from directing registration of a second FIR. The occurrence in question, involving a mutual altercation between parties closely related and residing in the same vicinity, appears to be one and the same. Whether the applicant was the aggressor or victim is a matter to be determined during investigation and not at the stage of FIR registration. The applicant, therefore, ought to have complied with the directions by joining the investigation, recording his statement under Section 161 Cr.P.C., producing MLCs and digital evidence, and asserting accuse-ship against the alleged perpetrators within the investigative framework.

6. Consequently, the impugned order dated 11.04.2025 is found to be sound, reasoned, and in consonance with the settled law as laid down in *Mst. Sughran Bibi's* case. No illegality, perversity, or arbitrariness has been pointed out requiring interference by this Court in exercise of its inherent jurisdiction under Section 561-A Cr.P.C. The Criminal Miscellaneous Application stands dismissed.

**J U D G E**