

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Application No.S-344 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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24.07.2025

Mr. Ameer Imrtiaz Hussain Solangi, Advocate for applicant.
Mr. Muhammad Raza Katohar, Deputy Prosecutor General.

ORDER

Mr. Akhtar Ahmed Hisbani, Advocate, files Vakalatnama on behalf of respondents, and the same is taken on record.

The applicant, Mst. Khatoon Manglo d/o Abdul Hadi has impugned the Order dated 04.06.2025 passed by the Ex-Officio Justice of Peace, Gambat, in Crl. Misc. Application No.1294 of 2025. Applicant's Counsel pleads that the impugned Court Order is not in accordance with law and liable to be set aside.

Based on Counsel submissions, and as per the record available in the file, on 11.02.2025, the accused/respondents trespassed into the house of the applicant's father and allegedly committed certain criminal acts viz. the Applicant/complainant, including, inter alia, criminal assault of modesty of a woman and caused her bodily harm. The Applicant/complainant underwent an examination on the same date but took no further action regarding the reporting of the crime or any other action. The Medico Legal Certificate was issued on 25.03.2025, qualifying her injury to fall under Section 337-L PPC. Thereafter, on 27.03.2025, the Applicant/complainant filed Crl. Misc. Appln. No.1294 of 2025 before the Court of the learned Ex-Officio Justice of Peace, who, after hearing the parties, dismissed the applicant/complainant's application for the reasons articulated in the said impugned Order. The Applicant/accused also alleged before the Ex-Officio Justice of Peace that the accused/respondents had unlawfully entered her father's residence with weapons, attempted to kidnap the Applicant/complainant's son, torn her clothes, etc. This mandated the recording of her statement before the Police, leading to the registration of an FIR.

The counsel for the accused/respondents contended that the allegations raised by Mst. Khatoon Manglo before the Ex-Officio Justice of Peace, were false and concocted. He submitted that on 12.02.2025, the father of Mst. Khatoon Manglo, namely Abdul Hadi, had lodged FIR No.16/2025 against Muhammad Saleem and others u/s 324 of the PPC, alleging that his son (Mst. Khatoon Manglo's brother) had received a firearm injury. Still, he did not raise in the said FIR any of the allegations averred against the accused/respondents, viz., his daughter (Mst. Khatoon Manglo), until filing an application before the Ex-Officio Justice of Peace. In contrast, according to his daughter's version, she had been allegedly assaulted a day earlier, on 11.02.2025, by the same accused/respondents. Hence, Counsel argued that the Ex-Officio Justice of Peace rightly dismissed Khatoon Manglo's Application u/Section 22-A & 22-B Cr.P.C.

Learned Deputy Prosecutor General submitted that the offence mentioned in the Medico-Legal Certificate was a non-cognizable offence.

Heard Counsels and learned DPG and perused the record. It is common ground that the Accused/applicant had also filed for "Khula" against her former husband, namely, Muhammad Saleem (accused/Respondent No.1), and the "Khula" hearings are still pending before the Family Court. Additionally, Muhammad Saleem is also on bail in FIR No.16/2025, lodged by Mst. Khatoon Manglo's father, namely Abdul Hadi, against Muhammad Saleem and others u/s 324 PPC. The Applicant/accused information does not inspire confidence as Mst. Khatoon Manglo's father did not mention the incident of 11.02.2025 in FIR No.16/2025, which, according to his daughter, apparently occurred on 11.02.2025, and Mst. Khatoon Manglo, herself, waited 45 days from the date of the incident before she approached the Ex-Officio Justice of Peace regarding the non-registration of the FIR.

In the circumstances, there does not appear to be any legal defect to interfere in the impugned Order dated 04.06.2025 passed by the Ex-Officio Justice of Peace. Accordingly, this Crl. Misc. Application is hereby dismissed.

J U D G E