

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C.P No. D-942 of 2025

Date	Order with signature(s) of Judge(s)
	Before Mr. Justice Muhammad Saleem Jessar Mr. Justice Nisar Ahmed Bhanbhro
Petitioner Abdul Hameed S/O Jiand Khan Jessar	: Through Mr. Athar Abbas Solangi, Advocate
The State	: Through Mr. Ali Anwar Kandhro, Addl. Prosecutor General, Sindh. Mr. Munwar Ali Abbasi, Assistant Advocate General, Sindh along with SIP Dilshad Ali Mangi & Inspector Abdul Nabi of P.S Dokri & SIP Ali Dost
Respondents No.7 to 9	: Through Mr. Mazhar Ali Bhutto, Advocate
Date of Hearing	: 07.10.2025
Date of Order	: 07.10.2025

ORDER

Nisar Ahmed Bhanbhro, J. Through this application, the petitioner has prayed as under;_

- a) That, this Hon’ble court may kindly be pleased to direct the respondents No.01 to 05 to provide every legal protection to the petitioner and his family.
- b) That, this Honourable Court may kindly be pleased to direct respondents No.01 to 06 to arrest the accused nominated in Crime No.66/2025 P.S Dokri.
- c) That, this Honourable Court may kindly be pleased to direct the respondents No.01 to 03 for arrest of all proclaimed offenders mentioned in the annexures “E” as well as in the whole district Larkana in particular and in division Larkana in general in the light of Judgment passed by this Honourable Court in the case of Nasrullah versus SHO P.S Jacobabad and 06 others, reported as PLD 2016 Sindh 238.
- d) That, this Honourable Court may kindly be pleased to stay the proceedings on application U/S 22-A(6)(i) Cr.P.C filed by the respondent No.09, pending before the court of Additional Sessions Judge-I/Ex-Officio Justice of Peace, Larkana, till final outcome of the instant petition.

2. Mr. Athar Abbas Solangi, learned counsel for the petitioner submits that respondent No.9 seek registration of another FIR; whereas, for the same incident FIRs No.52 & 66 of 2025 already stand registered at Police Station Dokri. He, therefore, submits that registration of second FIR would be violation of the law. In support of his contention, he places reliance upon the case of SUGHRA BIBI Versus The STATE (PLD 2018 SC 595) and an unreported judgment passed by this Court in case of Dost Ali Solangi Versus Province of Sindh and others in C.P No.D-1382 of 2025. He, therefore, submits that proceedings before the Ex-Officio Justice of Peace may be quashed.

3. Mr. Mazhar Ali Bhutto, learned counsel for respondents No.7 to 9 submits that brother of the respondent No.9 was taken away from the house and he was killed in a staged encounter, therefore, registration of FIR was his fundamental right and the registration of FIR on behalf of respondent No.9 will not fall under the purview of judgment of Sughra Bibi (Supra).

4. Learned Addl. P.G, Sindh as well as Assistant A.G, Sindh supported the petition and submit that brother of the petitioner was absconder and is involved in almost 27 cases which included murder, robbery and narcotics and he was killed in a police encounter for which an FIR has already been lodged on behalf of the State and respondent No.9 intends to involve all the witnesses of the said FIR in the false case so also she intends to implicate the petitioner, who is a Chairman of Town Committee Dokri and he has provided CCTV footages of the alleged robbery committed by the family members of respondent No.9.

5. Heard arguments and perused material available on record. Admittedly, the respondent No.4 seeks registration of second FIR, which in view of the dicta laid down by the Hon'ble Supreme Court of Pakistan in case of Sughra Bibi (Supra), is not tenable under the law and in the unreported judgment in case of Dost Ali Solangi (Supra), in which both of us are signatory, wherein it has been held that no application for registration of second FIR can be entertained by the Justice of Peace, as such directions cannot be issued.

6. The Honorable Supreme Court of Pakistan while discussing the issue of second FIR in case of Sughra Bibi (Supra) held that investigating officer may record a number of versions of the same incident brought to his notice by different persons in terms of Section 161 Cr.P.C and no separate FIR is to be recorded for any new version in respect of the same incident brought to the notice of the investigating officer during investigation of such crime. Thus, issue of registration of second FIR stood settled; hence, second FIR cannot be registered for the same incident.

7. The discussion made herein above leads to an irresistible conclusion that the application filed by the Respondent No 9 seeking registration of second FIR in respect of the same incident was not maintainable under the law. The Court of Learned Ex - Officio Justice of Peace lacked jurisdiction to entertain the application seeking registration of Second FIR. The proceedings in criminal miscellaneous No 1456 of 2025 were initiated in violation of the law pronounced by the Honorable Supreme Court of Pakistan.

8. For aforementioned reasons, we are of the considered view that the proceedings initiated by Learned Ex- Justice of Peace were without jurisdiction. Consequently this Petition bearing C.P No.D-942 of 2025 is hereby **allowed**. Resultantly, the proceedings in terms of Criminal Miscellaneous Application No 1456/2025 titled as Mst. Zeenat Khatoon Versus SHO P.S Dokri and others are declared to be without lawful authority and without jurisdiction. Accordingly, Criminal Miscellaneous Application No.1456/2025 pending adjudication before learned Sessions Judge/Justice of Peace, Larkana, being incompetent is hereby **dismissed**. The Respondent No 9 is at liberty to approach the concerned IO and may record her version in terms of the guidelines given by the Honorable Supreme Court in the case of Sughra Bibi (Supra).

JUDGE

JUDGE