

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Crl. Misc: Application No.729 of 2025

Present: Justice Jawad Akbar Sarwana

Applicant : Karamullah s/o Adho Khan Machhi
Through Mian Taj Muhammad Keerio, Advocate

Respondent No.1 : Incharge Complaint Cell/Deputy Superintendent of
Police, Tando Muhammad Khan

Respondent No.2 : Station House Officer, Police Station Taluka, Tando
Muhammad Khan

Respondent No.3 : The State
Through Mr.Irfan Ali Talpur, D.A.G

Respondent No.4 : Thaar Muhammad s/o Allah Dino
Through Mr.Rasool Bakhsh @ R.B Solangi, Advocate

Respondent No.5 : Meyoon Taj Muhammad s/o Abdul Rahim Dars

Respondent No.6 : Safeeullah s/o Raza Muhammad Samoon PC

Respondent No.7 : Anwar Ali Dull PC

Respondent No.8 : Naveed Ali s/o Abdul MajeedSoonrro PC

Respondent No.9 : Rahim Dino Tangri
Nemo.

Date of hearing : **25.11.2025**

Date of decision : **28.11.2025**

ORDER

JAWAD AKBAR SARWANA, J.: The applicant, Karamullah/proposed accused No.5 in Criminal Miscellaneous Application No.S-836/2025 filed by Thaar Mohammad/respondent No.4, against him has impugned the Order dated 22.10.2025 passed by the Ex-Officio Justice of Peace, Tando Muhammad Khan. Applicant seeks to set aside the impugned Order passed by the Ex-Officio Justice of Peace, observing that the proposed accused allegedly caused injury to Muhammad Bachal and also issued murderous threats to the applicant party, and, resultantly, recalling the

directions to the SHO, PS Taluka Tando Muhammad Khan, to record the applicant's statement and act in accordance with the law.

2. Counsel for the applicant submits that the final MLC submitted to this Court (but was not available to the Ex-Officio Justice of Peace when he passed the impugned order) does not indicate that a cognizable offence is made out. He argues that when the matter was heard, the Ex Officio Justice of Peace had sight of the provisional/interim MLC only. Therefore, he contends that in the circumstances, the impugned Order passed by the Ex-Officio Justice of Peace is set aside.

3. Counsel for the respondent No.4 submits that the final MLC dated 27.10.2025 was issued by the concerned Medical Superintendent after the passing of the impugned Order. He concedes that, according to said MLC, the injury sustained by the injured person is not cognizable. However, he argues that, as set out in the respondent No.4's complaint filed with the Ex-Officio Justice of the Peace, the latter has alleged the commission of other criminal offences too (apart from the case for injuries), and these offences are also made out. Hence, he submits that the matter requires the recording of the statement of respondent No. 4 by the Police Authorities.

4. Learned D.P.G submits that there is no error in the order except that after issuance of MLC, no cognizable offence can be made out in terms of the injury suffered by the applicant / injured party.

5. Heard counsels and learned D.P.G., as well as perused the record available.

6. It is apparent from the complaint submitted by the respondent No.4 that the allegations are not merely limited to the injury but also allege the commission of other offences, which are set out in paragraph 6 of the said complaint. The question, whether or not a recording of a

statement of the complainant by the Police Authorities will ultimately lead to the registration of an FIR concerning a specific offence under the PPC, is not the domain of this Court, nor that of the Ex Officio Justice of Peace. The threshold, at this stage, is a tentative assessment to gauge whether the ingredients of Section 22-A(6)(i) Cr.P.C. are triggered and cause for passing orders within the framework of the above section of the criminal procedure code. Neither this (High) Court nor the Ex-Officio Justice of Peace are competent to record any finding about whether or not any ingredients of any cognizable offence are made out. This remains the responsibility of the police authority at a later stage.

7. Given the above, I do not find any legal defect in the impugned Order. The concerned police authorities are directed to record the statement of respondent No.4/complainant and to act as per law. However, if the complaint turns out to be false, then proceedings u/s 182 of the PPC shall be initiated against the applicant/complainant.

8. For the sake of good order, it is clarified that none of the observations made hereinabove shall influence any of the parties, I.O. or the trial Court.

9. The titled application is dismissed in the above terms.

JUDGE

Tufail