

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Misc. Appln. No.S-333 of 2024

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
13.01.2025.	

1. For orders on office objection.
2. For hearing of Main Case.
3. For hearing of M.A. No.5493/2024.

Mr. Farooque Ali Bhutto, advocate along with the applicant.
Mr. Ali Anwar Kandhro, Addl. P.G.
Mr. Shafique-ur-Rehman Soomro, advocate along with respondent No.3.

This is a challenge to an order passed by the learned 1st Additional Sessions Judge, Kamber on 20.09.2024 while he was acting in his capacity as Ex-Officio Justice of Peace.

Learned Counsel for the applicant has argued that no offence has occurred and that the application filed by Muhammad Yaqoob was purely based on malafide.

I have heard the learned Counsel for the applicant as well as the learned Addl. P.G. and the learned Counsel for respondent No.3.

It is a given position that if any person has an information about an offence having been committed, he is entitled under Section 154, Cr.P.C to approach the police station of competent jurisdiction with the information he has. It is then up to the police officer to determine whether the information reveals an offence having been committed and if yes, whether it would be categorized as a cognizable or a non-cognizable offence. The Cr.P.C. and the Police Rules have ample guidance for SHOs to proceed in all these scenarios. At this juncture, learned Counsel for the applicant argues that while the impugned order appears to say that an FIR should be registered only if a cognizable offence has been committed, such orders are usually misinterpreted by the police to mean that the Ex-Officio Justice of Peace has ordered a compulsory registration of an FIR. Learned Counsel is correct to this extent that

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experience has shown that police officers ^{do} ~~too~~ indeed interpret such orders to mean directions passed by the Ex-Officio Justice of Peace for mandatory registration of an FIR. It is clarified that the order of 20.09.2024 apart from the ⁹¹ fact that in itself it does not order a compulsory registration of FIR should not be interpreted to mean the same by the police. The applicant can approach the relevant police station with the information, after which the police shall act in accordance with the law. The police officer shall ensure that no injustice is caused to either side.

Application is disposed of in the above terms.


13/1/25
JUDGE

Qazi Tahir PA*