

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Criminal Miscellaneous Application No.S- 122 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of main case.

21.05.2026.

M/s Sajjad Ali Zour and Shahbaz Ali Arbab, Advocates for applicant.
Ms. Sana Memon, A.P.G for State.

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None present on behalf of the respondents/proposed accused since 30.04.2026, 07.05.2026, 18.05.2026 and even today. The applicant Aagul wife of Muhammad Bachal almost 70 years of age is aggrieved by order dated 28.02.2026 passed by the 2nd Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad.

Counsel submits that the learned Ex-Officio Justice of Peace has not considered all the material information available before him and that even if a case of injuries hypothetically could not be made out, there is sufficient information available on record to make out a case for an alleged crime, including those concerning dignity of a woman.

The principle ground for rejection of the Criminal Miscellaneous Application by the learned Ex-Officio Justice of Peace, Hyderabad is that the parties are relatives inter se and no injury was caused to anybody. The learned Ex-Officio Justice of Peace ought to have considered the materiality and the record as opposed to simply dismissing the application on the basis that no injury has been caused.

I have considered the impugned order in light of the submissions and find that as per law any person who has information of an offence having been committed is entitled under the law to provide such information to the Police Station. Once such information is provided it is upto the police officer to

determine whether any offence is revealed and if an offence is revealed whether it is cognizable or a non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officers to proceed in either situation, as well as the situation where false information has been provided. The police official shall apply his own mind and act in accordance with law.

In view of the above observations, the impugned order dated 28.02.2026 is set aside. The police authorities are at liberty to record and act upon the statement of complainant/applicant as deemed appropriate and/or take further action in accordance with law. The police official's actions will be guided by his independent application of mind. However, no arrest shall be made until and unless some tangible evidence is collected. For clarification, none of the observations concerning the case will influence the police authorities.

This Criminal Miscellaneous Application stands **allowed** of in the above terms.

JUDGE

Tufail