

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

Criminal Miscellaneous Application No.S- 660 of 2025

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.

Mr. Aneel Kumar Rathore, Advocate for applicant.
Ms. Sana Memon, A.P.G for State.

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On 25.09.2025 this Court had issued notices to the respondents and learned A.P.G. Subsequently the matter was listed on 09.10.2025, 30.04.2026 and once again today. None have come before this bench. This Criminal Miscellaneous Application was filed on 28.09.2025 and almost 09 months have been passed since its institution. The principle ground for rejection of the Criminal Miscellaneous Application by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Matli is that the victim and the wife of the alleged applicant had not approached the police authorities. Given the nature of the incident as described in the application and the sensitivity of the matter the learned Ex-Officio Justice of Peace ought to have considered the materiality of a victim of an alleged sexual offence to approach the police authorities. In the circumstances, the husband of the victim has initiated the process and as opposed to simply dismissing the application on the basis that no report had been filed with the concerned police station, the Ex-Officio Justice of Peace ought to have considered this aspect.

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 19.09.2025 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 by the I.O. For clarification, none of the observations concerning the case will influence the police authorities.

This Criminal Miscellaneous Application stands disposed of in the above terms along with pending application.

JUDGE

Tufail