

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Criminal Miscellaneous Application No. S-172 of 2026.  
(Muhammad Azam vs. The State and others).*

Hearing of case (Priority)

For orders on office objection at flag 'A'

For hearing of MA No.1490/2026 (S/A)

For the hearing of the main case.

**20.04.2026.**

Mr. Achar Khan Gabol, Advocate for Applicant.

Mr. Mujeeb-ur-Rehman Malano, Advocate for Respondent  
No.4

Mr. Muhammad Raza Katohar, Deputy PG for the State

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**ORDER**

Ali Haider 'Ada' J.- Through this Criminal Miscellaneous Application, the applicant, being a proposed accused, has called in question the impugned order dated 28.02.2026, whereby an application filed by Respondent No. 4 under Sections 22-A and 22-B, Cr.P.C., was allowed, with a direction to the police to record his statement and, if a cognizable offence is made out, to register an FIR.

2. As per the contents of the application under Sections 22-A and 22-B, Cr.P.C., Respondent No. 4 alleged that on 01.02.2026 at about 12:30 a.m., the proposed accused, including the present applicant, while armed with deadly weapons, committed robbery and deprived him of various articles. It was further stated that he approached the SSP, Ghotki, on 19.02.2026 for redressal of his grievance, but to no avail, where after he filed the aforementioned application before the learned Ex-Officio Justice of Peace, which was allowed.

3. Learned counsel for the applicant contends that there is an unexplained delay of about twenty days in lodging the complaint,

which renders the allegations doubtful. He further submits that the story put forth by Respondent No. 4 is false and concocted, asserting that, in fact, the complainant party is involved in the murder of the applicant's brother, namely Rehman, and in order to create a defense, a fabricated story has been engineered. He also argues that it is improbable that such an incident of robbery could occur without the presence of independent witnesses. Additionally, he submits that the SHO, Police Station Khanpur Mahar, had already submitted a negative report regarding the allegations. He, therefore, prays that the impugned order be set aside.

4. Conversely, learned counsel for Respondent No. 4 submits that the allegations, on their face, disclose the commission of a cognizable offence, and that the matter requires proper investigation, which can only be conducted after registration of an FIR. With regard to the allegation of murder raised by the applicant, he submits that no FIR or even an application has been filed by the applicant or any other person against Respondent No. 4 in that regard, and thus such plea is misconceived and irrelevant. He maintains that the impugned order is well-reasoned and warrants no interference.

5. Learned Deputy Prosecutor General has supported the impugned order, submitting that a bare reading of the application under Sections 22-A and 22-B, Cr.P.C., clearly reveals the commission of a cognizable offence. He further submits that it is the exclusive domain of the Investigating Officer to conduct an investigation after registration of the FIR, and therefore, the instant application merits dismissal.

6. Heard, learned counsel for the parties and have perused the material available on record.

7. The scope of the powers of the Ex-Officio Justice of Peace is well-settled. At the initial stage, the Justice of Peace is required to

examine the contents of the application to determine whether the allegations, on the face of it, disclose the commission of a cognizable offence, and whether the applicant has approached the forum without mala fides or with clean hands. Upon satisfaction, appropriate directions may be issued for the registration of an FIR. However, such jurisdiction is limited in nature and does not extend to conducting a roving inquiry or undertaking an investigation. In this regard, reliance is placed upon the judgment of the Honourable Supreme Court of Pakistan in the case of **Syed Qamar Ali Shah vs. P.O. Sindh and others (2024 SCMR 1123)**.

8. In the present case, the contents of the application prima facie disclose the commission of a cognizable offence; therefore, the learned Ex-Officio Justice of Peace has rightly exercised jurisdiction. So far as the contention regarding the negative report submitted by the police is concerned, it is settled law that the opinion of the police prior to registration of the FIR carries no binding effect and is merely an *ipse dixit*. At this stage, the police are only required to confirm whether the complainant had approached them; the veracity of the allegations is a matter to be examined during investigation.

9. With regard to the delay in filing the application under Sections 22-A and 22-B, Cr.P.C., the same, by itself, is not sufficient to deny the statutory mandate of Section 154, Cr.P.C. Moreover, the assertion of Respondent No. 4 that he had approached the SSP, Ghotki, is a matter that can be verified during the course of investigation.

10. In view of the foregoing facts and circumstances, no case for interference with the impugned order is made out. Consequently, the instant Criminal Miscellaneous Application is dismissed, along with any pending applications. Needless to observe that it is within the exclusive domain of the Investigating Officer to conduct the investigation in accordance with law, and in case the allegations are

found to be false or malicious, appropriate action shall be taken strictly in accordance with law.

*JUDGE*