

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

CrI. Misc: Application No.S-20 of 2026

[Khan Muhammad v. Senior Superintendent of Police, Mirpurkhas and 03 others]

Applicant by : Mr. Muhammad Qaim Pahore, Advocate

Respondents No.1, 2 & 4 by : Mr. Neel Parkash, D.P.G.

Respondent No.3 by : Mr. Francis Lucas Khokhar, Advocate

Date of hearing : **23.04.2026**

Date of decision : **23.04.2026**

ORDER

ARBAB ALI HAKRO, J.- Applicant Khan Muhammad has invoked Section 561-A, Cr.P.C, to assail the order of the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Mirpurkhas, whereby the application of respondent No.3 Ali Akbar, under Sections 22-A & 22-B, Cr.P.C., was allowed and the S.H.O. was directed to record his statement under Section 154, Cr.P.C.

2. The factual contour is narrow: respondent No.3 approached the Justice of Peace alleging refusal of the police to record his version regarding a cognizable offence. Learned Justice of Peace, without entering into the merits, directed the S.H.O. to record his statement and proceed in accordance with the law. The applicant seeks reversal of that direction.

3. Arguments heard. Record perused. The applicant's objections relate to alleged mala fides, civil dispute and prior enmity. Respondent No.3 and the learned law officer support the impugned order.

4. The controlling principle, as reaffirmed by the Supreme Court in the case of **Syed Qamber Ali Shah**¹, is that the Justice of Peace is not to conduct a fact-finding exercise but only to determine whether the applicant's narrative discloses a cognizable offence and, if so, to direct the recording of the statement. The Supreme Court observed that "it is not the function of the Justice of Peace to punctiliously or assiduously scrutinize the case or to

¹ Syed Qamber Ali Shah v. Province of Sindh & others (2024 SCMR 1123),

render any findings on merits” and that refusal of the police to record information cannot be justified by pre-investigative inquiries. This principle is consistent with the case of **Muhammad Bashir**², which holds that the S.H.O. has no authority to refuse recording of an FIR where cognizable information is disclosed.

5. The impugned order neither registers an FIR nor pronounces upon guilt; it merely restores the statutory mechanism under Section 154, Cr.P.C. The applicant’s objections, being factual, defensive and anticipatory, fall within the investigative domain and cannot be adjudicated at this stage. Section 561-A, Cr.P.C, cannot be used to stifle the statutory right of a complainant to have his version recorded, nor to divert the ordinary course of criminal procedure.

6. No illegality, perversity, or jurisdictional defect is discernible in the impugned order. The applicant retains every remedy during investigation, including challenge to any adverse action, and the Investigating Officer remains competent to submit an appropriate report under Section 173, Cr.P.C., including “A”, “B” or “C” class, as warranted.

7. For the foregoing reasons, this Criminal Miscellaneous Application is **dismissed**.

JUDGE

“Saleem”

² Muhammad Bashir v. Station House Officer, Okara Cantt (PLD 2007 SC 539)