

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

Criminal Misc. Application No.S-214 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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For orders on office objections.
For hearing of main case.

18-05-2026

Mr. Faisal Nadeem Abro, advocate for the applicant.
Mr. Khalid Hussain Lakho, Deputy Prosecutor General.
Respondents No.3 to 6 are present in person.

Mr. Imtiaz Ali Abbasi, Advocate, files Vakalatnama on behalf of respondents No. 3 to 6, which is taken on record.

The applicant, Mst. Jameela, complainant, is aggrieved by the impugned order dated 31.03.2026 passed in Criminal Miscellaneous Application No. S-238 of 2026 by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Hala, whereby the learned Ex-Officio Justice of Peace, after hearing the matter in light of the medical certificate, a copy whereof is available at page No. 47, and noting the nature of injuries under Sections 337-A(i) and 337-F(vi), PPC, directed the SHO concerned to record the statement only to the extent of accused Asif Ali and not against any of the co-accused.

As per the information contained in paragraph No. 2 of the Criminal Miscellaneous Application filed before the learned Ex-Officio Justice of Peace, specific allegations had also been levelled against the co-accused. In the circumstances, the impugned order dated 31.03.2026 constrained the police authorities from taking further action on the basis of information yet to be provided by the applicant. Instead, the scope of further action was limited and confined to accused Asif Ali alone.

It is clearly not the mandate of the learned Ex-Officio Justice of Peace to interfere in matters relating to investigation. After recording the statement of the

applicant, such information ought to have been left to the police authorities for proceeding in accordance with law. Under the law, any person having information regarding the commission of an offence is entitled to furnish such information to the police station concerned. Once such information is provided, it is for the police officer to determine whether any offence is disclosed and, if so, whether the offence is cognizable or non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officials for proceeding in either situation, including cases involving false information. The police official is required to apply his own independent mind and act strictly in accordance with law. It is not the prerogative of the learned Ex-Officio Justice of Peace to intervene in investigative matters, as such matters are best left to the police authorities. Mere recording of a statement does not amount to the definite lodgment of an FIR (2024 SCMR 985 and 2024 SCMR 1123).

In view of the above, the order dated 31.03.2026 is set aside and the SHO concerned is directed to record the statement of the applicant without restricting the same to any particular accused person. Thereafter, action may be taken in accordance with law against whomsoever based on the recorded statement after due application of mind by the police authority.

JUDGE

Irfan Ali