

THE HIGH COURT OF SINDH, CIRCUIT COURT AT LARKANA

Cr. Misc. Application No.S-295 of 2026

(Muhammad Bux & another v. SHO PS Dokri & others)

14.09.2026.

Applicants are present in person.

Mr. Aitbar Ali Bullo, D.P.G. Sindh along with Inspector Muhammad Ibrahim Brohi SHO PS Dokri.

RIAZAT ALI SAHAR, J. Through this Criminal Miscellaneous Application, the applicants have called in question the order dated 20.08.2026 passed by the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace, Larkana, in Cr. Misc. Application No.1537 of 2026, whereby an application under Section 22-A(6), Cr.P.C., filed by respondent No.2 Mst.Ameerzadi, was allowed and the SHO, Police Station Dokri, was directed to record the statement of the complainant/respondent No.2 and, if the contents thereof disclosed commission of a cognizable offence, proceed in accordance with Section 154, Cr.P.C.

2. During the pendency of the present proceedings, the learned Ex-Officio Justice of Peace entertained a subsequent application alleging non-compliance of the aforesaid order and directed compliance thereof. The record placed before this Court shows that such subsequent proceedings were entertained while the present matter was already pending before this Court. Consequently, this Court, vide order dated 07.09.2026, called for an explanation from the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace as to under what jurisdiction or authority the subsequent application had been entertained and proceeded with.

3. It is also an admitted position from the record that, pursuant to the subsequent proceedings, F.I.R. Crime No.65 of 2026 was registered against the present applicants/proposed accused. This Court, vide order dated 07.09.2026, therefore specifically observed that, since the F.I.R. had meanwhile been registered, the instant Criminal Miscellaneous Application had, to that extent, become infructuous, while the matter was kept pending for appropriate orders after receipt of the explanation.

4. In view of the subsequent registration of the F.I.R., the challenge to the order dated 20.08.2026, insofar as it directed recording of the statement and proceeding in accordance with Section 154, Cr.P.C., has consequently become infructuous. No useful purpose would now be served by examining that aspect of the matter on merits. The surviving question, however, relates to the **jurisdiction assumed by the learned Ex-Officio Justice of Peace in entertaining the subsequent application and proceeding in the nature of contempt/implementation proceedings**. In this regard, the nature of the jurisdiction exercised by an Ex-Officio Justice of Peace under Section 22-A(6), Cr.P.C. requires consideration. The Honourable Supreme Court of Pakistan in the case of **Younas Abbas and others v. Additional Sessions Judge, Chakwal and others, PLD 2016 SC 581**, authoritatively held that the functions performed by an Ex-Officio Justice of Peace under Section 22-A(6), Cr.P.C. are **quasi-judicial in nature** and cannot be termed executive, administrative or ministerial. The said functions are performed within the statutory framework of Section 22-A(6), Cr.P.C. and are complementary to those of the police. The expression “**quasi-judicial**”, however, cannot be understood as conferring upon the Ex-Officio Justice of Peace the status or jurisdiction of a criminal Court. The jurisdiction remains **limited, defined and circumscribed by the statute**. Section 22-A(6), Cr.P.C. specifies the matters in respect of which an Ex-Officio Justice of Peace may exercise jurisdiction, including complaints relating to non-registration of a criminal case, transfer of investigation, and neglect, failure or excess committed by a police authority in relation to its functions and duties. Thus, while an Ex-Officio Justice of Peace may exercise his statutory jurisdiction upon a complaint of neglect or failure on the part of the police, the description of his functions as quasi-judicial does not, by itself, confer upon him **all the powers of a criminal Court**, nor does it create an independent, general or ancillary jurisdiction to initiate or adjudicate contempt proceedings against a police officer for alleged disobedience of an order passed under Section 22-A(6), Cr.P.C.

5. The distinction is material in the present case. The order dated 20.08.2026 was itself a **quasi-judicial order passed in exercise of the limited statutory jurisdiction under Section 22-A(6), Cr.P.C.** The subsequent application alleging non-compliance thereof could not, merely by reason of

the alleged disobedience, enlarge the jurisdiction of the learned Ex-Officio Justice of Peace into a jurisdiction of contempt. An authority vested with limited statutory powers cannot assume an additional jurisdiction merely because such jurisdiction may appear consequential or ancillary to the order originally passed by it. The explanation submitted by the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace states that the subsequent application was not treated as a contempt application but as a general grievance regarding alleged neglect or failure of the SHO to comply with the earlier direction; that a report was called merely to ascertain the factual position; and that the application was subsequently not pressed and was dismissed on 04.09.2026. Reliance has also been placed upon Section 22-A(6)(iii), Cr.P.C. and *Zulfiqar v. Additional Sessions Judge/Ex-Officio Justice of Peace, Lahore, 2021 P.Cr.L.J. 1779*. The explanation has been considered with due regard. Nevertheless, the question before this Court is not merely what nomenclature was assigned to the subsequent application, but **what jurisdiction was actually exercised and what legal character the proceedings assumed**. The very fact that the subsequent proceedings were described before this Court as a contempt application and that the learned Ex-Officio Justice of Peace proceeded to secure compliance with his earlier order demonstrates the necessity of examining the limits of the statutory jurisdiction under Section 22-A(6), Cr.P.C. The power under Section 22-A(6)(iii), Cr.P.C. to redress a complaint of neglect, failure or excess committed by a police authority cannot be equated with a power to punish for contempt. There is a fundamental distinction between calling for a police report or issuing a direction permissible under Section 22-A(6)(iii), Cr.P.C. and exercising contempt jurisdiction on the premise that an earlier quasi-judicial order has been disobeyed. The former falls within the statutory scheme; the latter requires a distinct legal source of jurisdiction.

6. This Court has already observed in its order dated 07.09.2026 that an Ex-Officio Justice of Peace **does not exercise the jurisdiction of a criminal Court**, that his authority is **quasi-judicial in nature and is conferred with limited statutory powers under the Code of Criminal Procedure**, and that, *prima facie*, a contempt application of the nature entertained in the present matter could not have been proceeded with in exercise of such limited jurisdiction. This Court had also specifically noticed that such course of action was *prima facie* inconsistent with the judicial

discipline, propriety and decorum expected from a subordinate judicial officer. The plea in the explanation that there was no express order of stay and that the learned Ex-Officio Justice of Peace acted in the *bona fide* belief that the order dated 20.08.2026 remained operative has also been considered. The question, however, is not whether the earlier order stood stayed; rather, the question is **whether the learned Ex-Officio Justice of Peace possessed jurisdiction to enforce that order through proceedings assuming the character of contempt**. Absence of a stay order cannot confer a jurisdiction which is otherwise not vested by law.

7. For what has been discussed above, this Court holds that the functions of an Ex-Officio Justice of Peace under Section 22-A(6), Cr.P.C., though **quasi-judicial**, remain **limited statutory functions**. The quasi-judicial character of such functions does not convert the Ex-Officio Justice of Peace into a criminal Court or confer upon him an independent contempt jurisdiction. The subsequent proceedings, insofar as they assumed or purported to exercise such contempt jurisdiction in relation to alleged disobedience of the order dated 20.08.2026, were therefore beyond the jurisdiction conferred by Section 22-A (6), Cr.P.C. Consequently, the instant Criminal Miscellaneous Application is **disposed of as having become infructuous to the extent it challenges the order dated 20.08.2026**, in view of the registration of F.I.R. Crime No.65 of 2026. However, the subsequent proceedings undertaken by the learned Ex-Officio Justice of Peace for alleged non-compliance of the said order, insofar as they purported to invoke or exercise **contempt jurisdiction**, are held to be without lawful jurisdiction. This order shall not affect the F.I.R. already registered, the investigation pursuant thereto, or any proceedings arising therefrom, which shall proceed strictly in accordance with law.

8. The explanation submitted by the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace, Larkana, is taken on record and stands disposed of accordingly.

JUDGE