

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Misc. Application No. S-408 of 2025
(Ali Ahmed Ogahi Vs. SHO P.S Ghouspur & Ors)

Date	Order with signature of Judge
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- 1. For orders on M.A. No.5257/2025.
- 2. For orders on office objection.
- 3. For orders on M.A No.5258/2025.
- 4. For hearing of main case.

17.11.2025.

Mr. Imtiaz Ali Mugheri, Advocate for applicant

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- 1. Granted.
- 2 to 4. This Criminal Miscellaneous Application under Section 561-A, Cr.P.C. has been filed by the applicant Ali Ahmed s/o Nabi Bux, seeking to set aside the impugned order dated 09.09.2025, passed by the learned Sessions Judge/Ex-Officio Justice of Peace, Kashmore at Kandhkot, whereby Criminal Misc: Application No.1233 of 2025 was dismissed. The applicant further prays for a direction to Respondent No.1, the Station House Officer, Police Station Ghouspur, to register an FIR against the proposed accused, Dr.Asadullah Noonari, Medical Officer at the Rural Health Centre (RHC), Ghouspur.

Learned counsel for the applicant contended that the proposed accused, being a government medical officer, issued a false medico-legal certificate in respect of injuries sustained by the applicant and his relatives and thereafter issued criminal threats to the applicant in the presence of witnesses. He submitted that the conduct of the proposed accused amounts to a cognizable offence under Section 506(2), PPC and that the SHO's refusal to register the FIR is violative of Section 154, Cr.P.C. He argued that the Ex-Officio

Justice of Peace is duty-bound to redress grievances where a cognizable offence is disclosed.

Heard learned counsel for the applicant. Record perused. The impugned order dated 09.09.2025 reflects a reasoned and legally sound approach. It appears that the allegations stem from a dispute over the issuance of a medico-legal certificate, a function governed by the Health Department and subject to departmental oversight. The SHO's report, placed on record, categorically denies the occurrence of any cognizable offence and notes that the applicant has previously filed similar complaints, including FIR No. 44/2024, which was cancelled under Class "C".

The applicant's grievance regarding the medical certificate was referred to the Sindh Healthcare Commission (SHCC) pursuant to this Court's earlier order dated 17.10.2025 in Criminal Misc. Application No. S-358 of 2025. The SHCC, in its response dated 30.10.2025, clarified that the matter pertaining to medico-legal certification falls outside its statutory mandate and lies within the jurisdiction of the Health Department, Government of Sindh.

It is settled law that the Ex-Officio Justice of Peace, while exercising jurisdiction under Section 22-A(6) Cr.P.C, is not to engage in a fact-finding exercise. His role is confined to determining whether the complaint discloses the commission of a cognizable offence. However, where the matter pertains to administrative or departmental conduct, particularly involving government functionaries performing statutory duties, the criminal justice mechanism must not be invoked prematurely or without clear evidence of criminal intent.

The proposed accused, being a Medical Officer performing medico-legal duties, is a government servant whose conduct is regulated by departmental rules and service regulations. Any alleged impropriety in the issuance of a medico-legal certificate must be addressed through administrative channels, rather than through coercive criminal proceedings, unless clear and independent evidence of criminal misconduct is presented. The applicant has failed to produce any corroborating material or independent witness statements to substantiate the alleged threats. The allegations appear to be retaliatory in nature, arising from dissatisfaction with the medical certificate and its implications.

In view of the foregoing, I find no legal or factual basis to interfere with the impugned order dated 09.09.2025. Learned Sessions Judge/Ex-Officio Justice of Peace has rightly declined the prayer for registration of FIR, having found that the matter does not disclose the commission of a cognizable offence. Accordingly, the instant Criminal Miscellaneous Application is **dismissed** in *limine* along with the listed miscellaneous application.

JUDGE