

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Misc: Application No. S-38 of 2026
Hidayatullah v. Mughul & others.

Date	Orders with signature of Judge
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1. For orders on office objections 'A'.
2. For hearing of main case.
3. For hearing of M.A No.547/26 (S/A).

15-06-2026.

Mr. Habibullah G. Ghouri, Advocate for applicant.

Mr. Shakeel Ahmed Ansari, Advocate for respondent No.1.

Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General.

Ali Haider 'Ada' J:- Through this Criminal Miscellaneous Application, the applicant has called in question the order dated 30.01.2026 passed by the learned I-Additional Sessions Judge/MCTC/Ex-Officio Justice of Peace, Shikarpur, whereby the application filed by respondent No.1 under Sections 22-A and 22-B, Cr.P.C. was allowed, and directions were issued for recording his statement under Section 154, Cr.P.C.

2. Briefly stated, respondent No.1 approached the learned Ex-Officio Justice of Peace alleging that the present applicant, who is serving as Station House Officer of Police Station Garhi Yasin, along with eight unknown persons, while armed with weapons, committed robbery and was involved in a police encounter concerning the son of respondent No.1. Upon notice, the learned Justice of Peace called for reports from the concerned police authorities. In response, it was reported that Faheem Ahmed, Hafeezullah and Sajid alias Sajoo, sons of respondent No.1, had been declared proclaimed offenders by competent Courts of law. The concerned authorities further placed on record the criminal antecedents of the proclaimed offenders and those of respondent No.1. They maintained that the

application had been filed merely to shield the proclaimed offenders and to obstruct lawful police action.

3. Learned counsel for the applicant submits that the learned Justice of Peace failed to properly appreciate the material available on record, particularly the police reports and criminal history of respondent No.1 and his sons. According to him, the impugned order has been passed without lawful justification, suffers from non-application of mind and, therefore, is liable to be set aside.

4. Conversely, learned counsel for respondent No.1 supports the impugned order and contends that the allegations disclosed commission of cognizable offences and, therefore, the learned Justice of Peace rightly exercised jurisdiction under Sections 22-A and 22-B, Cr.P.C.

5. Learned Deputy Prosecutor General Sindh, while relying upon the reports submitted by the concerned police authorities, does not support the impugned order.

6. I have heard the learned counsel for the parties and examined the record.

7. It is by now a settled principle of law that the powers conferred upon the Ex-Officio Justice of Peace under Sections 22-A and 22-B, Cr.P.C. are quasi-judicial in nature and are required to be exercised with caution, prudence and due application of judicial mind. The object of these provisions is to provide relief where a genuine grievance exists regarding non-registration of a cognizable offence and not to permit the criminal justice system to be employed for collateral purposes or personal vendetta.

8. In the case of ***Munawar Alam Khan v. Qurban Ali Malano and others (2024 SCMR 985)***, the Honourable Supreme Court observed that applications under Sections 22-A and 22-B, Cr.P.C. should not be entertained or decided in a routine or mechanical manner and that the Courts must remain vigilant against abuse of the process of law through frivolous, mala fide or motivated

complaints. Similarly, in ***Imtiaz Ahmed Cheema v. SHO, P.S. Daharki, District Ghotki (2010 YLR 189)***, it was held that the Justice of Peace is under a legal obligation to ensure that criminal law is not set into motion without adequate justification and that the statutory provisions are not misused.

9. It is equally important to bear in mind that indiscriminate exercise of jurisdiction under Sections 22-A and 22-B, Cr.P.C. may have far-reaching consequences, particularly where allegations are levelled against law-enforcement officials performing their official duties. The Courts are required to maintain a careful balance between safeguarding citizens against police inaction and preventing abuse of criminal proceedings against public servants. Police officials are entrusted with the onerous responsibility of maintaining law and order, preventing crime and apprehending offenders. Therefore, while no public official enjoys immunity from legal accountability, allegations directed against police officers must be examined with due care and circumspection so that the criminal process is not employed as a means of intimidation, retaliation or obstruction of lawful official functions.

10. The case in hand presents circumstances which warranted a more cautious approach. The reports submitted by the concerned police authorities disclosed that the sons of respondent No.1 had already been declared proclaimed offenders by competent Courts of law. Their criminal antecedents, as well as those of respondent No.1 himself, were also brought before the learned Justice of Peace. Such material was directly relevant for determining whether the application was a bona fide attempt to seek legal redress or whether it had been instituted with an ulterior motive to frustrate lawful police proceedings. Reference may also be made to ***Jameel Ahmed Butt and another v. The State (2014 PCr.LJ 1093)***, wherein it was held that directions for registration of criminal cases should not be issued mechanically, particularly where the allegations involve serious offences capable of causing undue hardship and prejudice to the proposed accused persons.

11. In the facts and circumstances of the present case, I am of the considered view that the learned Ex-Officio Justice of Peace failed to properly evaluate the material available on record before directing recording of the statement under Section 154, Cr.P.C. The impugned order, therefore, cannot be sustained in the eye of law.

12. For the foregoing reasons, this Criminal Miscellaneous Application is allowed. Consequently, the order dated 30.01.2026 passed by the learned I-Additional Sessions Judge/MCTC/Ex-Officio Justice of Peace, Shikarpur, in Criminal Miscellaneous Application No.108 of 2026 is hereby set aside.

JUDGE