

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Misc: Application No.S-139 of 2026

(Ghulam Ishaque Vs. SHO, P.S Tangwani and others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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*01. For orders on office objection.
02. For hearing of main case.*

15.06.2026.

Mr. Safdar Ali G.Bhutto, Advocate for Applicant.

Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General for the State along with SIP Rahim Bux of P.S Tangwani, SIP Shafiq Ahmed Abro on behalf of S.S.P Kashmore, PC Aijaz Ahmed Khoso, PC Imtiaz Ali and PC Liaquat Ali.

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Ali Haider 'Ada' J.- Through this Criminal Miscellaneous Application, the applicant has assailed the order dated 28.04.2026 passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Kandhkot, whereby his application under Sections 22-A and 22-B, Cr.P.C. was dismissed. Feeling aggrieved, the applicant has invoked the jurisdiction of this Court.

2. The substance of the applicant's grievance is that certain police officials allegedly demolished his houses and unlawfully removed his cattle, thereby committing cognizable offences. On such allegations, he sought directions for registration of a criminal case against the concerned police functionaries.

3. The record reflects that the learned Justice of Peace called for a report from the police authorities. In response, it was reported that an earlier application on similar allegations had been filed by Mushtaq Ali, the brother of the present applicant, which was subsequently withdrawn and not pressed. It was further reported that close relatives of the present applicant are nominated in FIR No.05 of 2026 registered under Section 302, P.P.C., and that the instant

proceedings have been initiated merely to exert pressure upon the police officials to obstruct a fair investigation and prevent the arrest of the accused persons involved in the said murder case.

4. Learned counsel for the applicant submits that the allegations prima facie disclose the commission of cognizable offences and that the photographs produced on record sufficiently demonstrate the excesses allegedly committed by the police. Conversely, the learned Deputy Prosecutor General has supported the police report and contended that it has become a common practice to involve police officials in criminal proceedings with a view to pressurizing them from discharging their lawful duties. He has also produced statements of the concerned officials, which are taken on record.

5. Heard and perused the record.

6. A careful examination of the material available on record reveals that close relatives of the applicant are involved in a murder case and that a similar application filed by the applicant's brother on the same allegations was withdrawn without pursuing the matter. In these circumstances, the present proceedings have been initiated to create impediments in the lawful discharge of official duties by the police cannot be ruled out.

7. It is by now a settled principle of law that while exercising jurisdiction under Sections 22-A and 22-B, Cr.P.C., the Justice of Peace is required to act with caution and circumspection. The object of these provisions is to provide redress against the non-registration of cognizable offences and not to furnish a platform for abuse of the criminal process. In *Munawar Alam Khan v. Qurban Ali Malano and others* (2024 SCMR 985), the Honourable Supreme Court held 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 frivolous, vexatious, or motivated complaints. Likewise, in *Imtiaz Ahmed Cheema v. SHO, P.S. Daharki, District Ghotki* (2010 YLR 189), it was observed that

the Justice of Peace is under a legal obligation to ensure that the criminal process is not set into motion without sufficient justification.

8. It is further observed that indiscriminate invocation of the jurisdiction under Sections 22-A and 22-B, Cr.P.C., without proper scrutiny of the available material, not only undermines the purpose of the statute but may also adversely affect the effective functioning of law-enforcement agencies. The Courts are required to maintain a balance between safeguarding citizens against police inaction and preventing misuse of the criminal justice system against public officials performing their lawful duties. Particularly in areas facing serious law and order challenges, law-enforcement personnel must be allowed to perform their statutory functions without being subjected to unwarranted and motivated litigation designed to obstruct the administration of justice. Reference may also be made to *Jameel Ahmed Butt and another v. The State* (2014 PCr.LJ 1093).

9. For the foregoing reasons, this Criminal Miscellaneous Application is dismissed, and the order dated 28.04.2026 passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Kandhkot, in Criminal Miscellaneous Application No.570 of 2026 is hereby maintained.

JUDGE