

**HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

**Cr. Misc. Application No.S-317 of 2026**

*[Nazar Hussain vs. S.P Complaint Cell Hyderabad and Others]*

Applicant by : Mr. Anwar Ali Solangi advocate  
Respondents 3&4 by : Mr. Khush Muhammad Jatoi advocate  
Official respondents by : Mr. Khalid Hussain Lakho D.P.G  
Date of hearing : 29.06.2026  
Date of decision : 29.06.2026

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**ORDER**

**TASNEEM SULTANA, J:** Through the instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C., the applicant has impugned the order dated 20.05.2026 passed by the learned II<sup>nd</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad in Criminal Miscellaneous Application No.3000 of 2026, whereby his application under Sections 22-A and 22-B, Cr.P.C. seeking direction to the SHO Police Station Pinyari, Hyderabad for registration of FIR was dismissed.

2. Learned counsel for the applicant contends that the contents of the application disclosed commission of a cognizable offence; that the police were under statutory obligation to record the applicant's version under Section 154, Cr.P.C.; that at such stage the learned Ex-Officio Justice of Peace was not required to enter into deeper appreciation of the truth or otherwise of the allegations; that the impugned order has been passed mainly on the basis of police reports without properly appreciating the nature of the accusation; therefore, the same is liable to be set aside.

3. Conversely, learned counsel for respondents No.3 and 4 opposes the application and submits that the controversy essentially arises out of matrimonial discord between respondent No.3 and the daughter of the applicant; that respondent No.3 contracted marriage with Mst. Benazir on 18.09.2025 and subsequently, due to matrimonial differences, divorced her on 26.12.2025 according to law; that after divorce, the applicant and his companions started extending threats to respondent No.3 and his family members and also initiated false proceedings to harass and pressurize him; that respondent No.3 also approached the police as well as the Assistant Director, FIA Cyber Crime, Hyderabad against such threats and harassment; that the learned Ex-Officio

Justice of Peace considered the police reports, background of the dispute and material available on record and passed a lawful order. Learned D.P.G. supported the impugned order.

4. Heard. Record perused.

5. There is no cavil with the proposition that Section 154, Cr.P.C. casts a statutory obligation upon the officer incharge of a police station to record information relating to commission of a cognizable offence, as reiterated by the Honourable Supreme Court in Syed Qamber Ali Shah v. Province of Sindh and others (2024 SCMR 1123). However, this principle does not mean that the Ex-Officio Justice of Peace is bound to issue direction for registration of FIR in every case as a matter of course. The jurisdiction under Sections 22-A and 22-B, Cr.P.C. is discretionary in nature and is to be exercised with caution, keeping in view the facts and circumstances of each case.

6. In Khizer Hayat v. Inspector-General of Police (Punjab), Lahore (PLD 2005 Lahore 470), it has been held that the use of the word “may” in Section 22-A(6), Cr.P.C. shows that the Ex-Officio Justice of Peace is not obliged to issue direction for registration of a criminal case mechanically and, in an appropriate case, may refuse such direction where the material does not justify setting criminal law into motion. The Honourable Supreme Court in Munawar Alam Khan v. Qurban Ali Malano (2024 SCMR 985) also emphasized that while dealing with applications under Sections 22-A and 22-B, Cr.P.C., the Court is required to take care of possible misuse of process and such applications should not be lightly entertained or decided in a mechanical manner. Similar caution was expressed in Haider Ali v. The State (2015 SCMR 1724), wherein serious notice of frivolous, false or vexatious complaints was recommended. In Rai Ashraf and others v. Muhammad Saleem Bhatti and others (PLD 2010 SC 691), mala fide motives and ulterior intentions of the complainant were also taken into consideration while refusing direction for registration of FIR.

7. The applicant approached the learned Ex-Officio Justice of Peace with the stance that his daughter Mst. Benazir had contracted marriage with respondent No.3 Rab Dino on 18.09.2025. According to him, after some matrimonial discord, she was allegedly ousted from the matrimonial house and respondent No.3 thereafter pronounced divorce to her on 10.12.2025. It was further asserted that respondent No.3 subsequently approached the applicant for sending her back and, on the basis of a Fatwa, she was again sent to respondent No.3. The applicant further alleged that on 20.03.2026, at about 11:00 p.m., Mst. Benazir came to his

house and disclosed that respondent No.3, his brother Kamran, Muhammad Ali and two unknown persons had forcibly taken her, kept her at an unknown place for two days, whereafter she managed to escape and reached the applicant's house.

8. The impugned order reflects that the learned Ex-Officio Justice of Peace considered the reports of S.P. Complaint Cell, Hyderabad and SHO Police Station Pinyari, Hyderabad. The S.P. Complaint Cell reported that the applicant had not produced supporting material, whereas the SHO reported that the parties are inter se related and the dispute is of family nature. The learned Ex-Officio Justice of Peace also noticed that respondent No.3 was husband of the applicant's daughter, who, as per the applicant's own version, had allegedly rejoined him after the Fatwa. It was, therefore, concluded that the matter appeared to be rooted in family discord and did not disclose the commission of a cognizable offence warranting direction for registration of FIR.

9. Respondents No.3 and 4, through their objections, have placed a counter version asserting that respondent No.3 had divorced Mst. Benazir on 26.12.2025 and that thereafter the applicant and his companions started threatening him. In support thereof, they have produced copies of applications addressed to the Senior Superintendent of Police, Hyderabad and the Assistant Director, FIA Cyber Crime, Hyderabad, wherein respondent No.3 alleged threats from Nazar Hussain Arain, Waqar Arain and Jani Arain through mobile calls, voice messages and electronic means, along with copy of public notice/declaration and other documents. Without recording any finding on merits of such counter version, the material available on record reflects matrimonial discord, personal hostility and counter allegations between the parties.

10. In such circumstances, the learned Ex-Officio Justice of Peace cannot be said to have acted illegally while declining to issue direction for registration of FIR. The discretion so exercised does not suffer from any patent illegality, jurisdictional defect or perversity warranting interference by this Court under Section 561-A, Cr.P.C. The inherent jurisdiction of this Court is meant to prevent abuse of process and to secure the ends of justice; it is not intended to substitute the discretion lawfully exercised by the Ex-Officio Justice of Peace, particularly where the record reflects that the matter arises out of matrimonial/family discord and is attended by counter allegations. If the applicant has any independent remedy available under the law, including the remedy of private complaint, he may avail the same in accordance with law.

11. In view of the above facts and circumstances, no case for interference with the impugned order dated 20.05.2026 is made out. Consequently, the instant Criminal Miscellaneous Application, being devoid of merit, is dismissed.

JUDGE

Sajjad Ali Jessar