

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

***Criminal Misc. Application No. S-87 of 2026.
Meharullah v. SHO, PS A-Section Kandhkot & others.***

Date	Order 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.1349/26 (S/A).

07-08-2026

Mr. Ashique Hussain Kalhoro, Advocate for applicant.

Mr. Abdul Ghani Bijarani, Advocate for respondent No.3.

Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General.

Ali Haider 'Ada' J:- Through the instant application, the applicant has assailed the order dated 04.03.2026, passed by the learned I-Additional Sessions Judge/Ex-Officio Justice of Peace, Kandhkot, in Criminal Miscellaneous Application No.91/2026, whereby the application filed by respondent No.3 under Sections 22-A & 22-B, Cr.P.C. was allowed, with a direction that his version be recorded and, if a cognizable offence is made out, the same be incorporated in accordance with Section 154, Cr.P.C.

2. The crux of the case, as reflected from the record, is that respondent No.3 approached the learned Justice of Peace with the allegation that, in connection with the sale transaction of the plot in question, the present applicant, through fraudulent acts, received an amount from him and, upon demand for return of the said amount, the applicant, along with his associates, allegedly committed a cognizable offence and extended threats of dire consequences. It was

further alleged that, despite approaching the police authorities, no action was taken in respect of the alleged fraudulent transaction as well as the subsequent occurrence, compelling respondent No.3 to invoke the jurisdiction of the learned Justice of Peace, which ultimately culminated in the impugned order.

3. Learned counsel for the applicant contended that the impugned order is illegal and has been passed without proper appreciation of the material available on record. It was further argued that the reports submitted by the police authorities were contradictory; however, the learned Justice of Peace failed to consider this aspect properly and, without conducting a meaningful inquiry, proceeded to issue the impugned directions.

4. Conversely, learned counsel for respondent No.3 submitted that the matter pertains to a plot transaction and that the applicant, being a property dealer, had received the requisite amount in connection with the transaction. According to learned counsel, when the amount was demanded back upon the transaction having been found to be fraudulent, the applicant, being an influential person, allegedly extended threats of dire consequences. It was, therefore, contended that the learned Justice of Peace rightly exercised jurisdiction under Sections 22-A & 22-B, Cr.P.C.

5. Learned Deputy Prosecutor General supported the impugned order and submitted that the learned Justice of Peace was not required to conduct a detailed investigation into the allegations, as the determination of the factual controversy falls within the domain of the investigating agency. He contended that the allegations are required to be investigated after registration of the FIR and, therefore, no

illegality or jurisdictional defect is apparent in the impugned order.

6. Heard the learned counsel for the parties and perused the material available on record.

7. From the contents of the application and the material placed before this Court, it appears that the applicant has not categorically denied the underlying plot transaction. Rather, his principal contention is that the alleged occurrence of fraud and subsequent threats did not take place. Such factual controversy cannot appropriately be adjudicated at this stage by the learned Justice of Peace, nor can the correctness or otherwise of the allegations be determined without a proper investigation by the competent investigating agency. The scope of such investigation squarely falls within the domain of the police under Sections 154 and 156, Cr.P.C.

8. It is also a settled proposition of law that a police report is not binding upon the Court and cannot, by itself, foreclose the exercise of jurisdiction where the circumstances warrant further action. The police opinion is essentially an expression and remains subject to judicial scrutiny

9. In view of the foregoing discussion, no illegality, irregularity, misreading or non-reading of the material available on record has been pointed out which could warrant interference with the impugned order. The learned Justice of Peace has merely directed the recording of the version of respondent No.3 and, in the event a cognizable offence is made out, its incorporation in accordance with law. Such direction, in the circumstances of the case, calls for no interference.. In this regard, reliance may be placed upon **Syed Qamber Ali Shah v. P.O. Sindh and others (2024 SCMR 1123)**.

10. Accordingly, the instant application, being devoid of merit, is hereby dismissed. The impugned order dated 04.03.2026, passed by the learned I-Additional Sessions Judge/Ex-Officio Justice of Peace, Kandhkot, in Criminal Miscellaneous Application No.91/2026, is maintained.

JUDGE

Irshad Ali M/Steno