

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Appln. No.S-532 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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1. For orders on O/objection at flag-A.
2. For hearing of M.A. No.5075/26.
3. For hearing of bail application.

07.09.2026

M/s Sheeraz Fazal, Ali Hassan Shar and Athar Ali Mirani,
Advocate for Applicants.

Syed Naveed Ahmed Shah, Deputy Attorney General for
Pakistan.

Syed Sardar Ali Shah, Addl.P.G. Sindh.

ORDER

The dispute is with regard to the private land which is claimed by Private Respondent No.4 (Mehboob Ali) as owner, and the adjacent land which is of Radio Pakistan, and the Applicant being employee of Radio Pakistan tried to safeguard the interest of their Organisation. As per the case record, undisputedly present Applicants are the Employees of Radio Pakistan, and the learned Deputy Attorney General has fully supported the case of the Applicant's Counsel so also learned Additional Prosecutor General.

2. Private Respondents No.4 (Mehboob Ali) who has filed a Criminal Miscellaneous Application No.2673 of 2026, under section 22-A and 22-B of Code of Criminal Procedure-(**Cr.P.C**), before the Ex-Officio Justice of Peace, Khairpur (Additional Sessions Judge-III, Khairpur), complaining that the present Applicants (Proposed accused in the Application of Private Respondent) Prevented the private Respondent from doing construction work at his Plot and also extended threats of dire consequences.

3. In the Impugned Order direction was given to Police officials to record statement under Section 154 of Cr.P.C and if cognizable offence is made out to proceed in accordance with law.

4. It is not necessary that every Complaint filed under Section 22-A and 22-B Cr.P.C, before the Ex-Officio Justice of Peace should be granted in a mechanical manner, and somewhat identical orders are passed as is done in the present case. Even exercising jurisdiction under the above provisions, the learned Court has to apply its judicial mind.

5. In *Munawar Alam Khan v. Qurban Ali Malano and others* (2024 SCMR 985), the Honourable Supreme Court emphasized that the Courts must guard against misuse of Sections 22-A and 22-B (Cr.P.C.), and that applications there under should not be entertained and decided mechanically for directing registration of FIRs. The surrounding circumstances, including the relationship and transaction between the parties and the possibility of ulterior motives, are relevant considerations.

6. Thus, the two principles are required to be read together. The Justice of Peace is not required to conduct a mini-trial or determine the truthfulness of the allegations, but is equally required to demonstrate from the order that the statutory jurisdiction has been exercised upon with due application of judicial mind.

7. In the present case, the impugned Order does not reflect such consideration. The learned Justice of Peace has substantially proceeded on the assertion that the allegations prima facie disclose a cognizable offence and, on that basis, has directed the SHO to record the statement of the complainant and proceed under Section 154, Cr.P.C. There is, however, no meaningful consideration of the surrounding circumstances of the dispute, particularly the fact that

the controversy relates to the properties, claimed by the private Respondent and the other one belonging to Radio Pakistan, and that the present Applicants are its serving employees.

8. It is, therefore, not the mere direction to record a statement which calls for interference; rather, it is the manner in which the learned Justice of Peace exercised the jurisdiction vested in him which renders the Impugned Order unsustainable. The Order does not demonstrate the requisite consideration of the circumstances which were material for determining whether the extraordinary remedy under Section 22-A, Cr.P.C. ought to be invoked.

9. It is also settled principle, that attempt of parties to initiate criminal proceedings with intent to take undue advantage in pending civil dispute, should be prevented and thwarted; if it is not done, then unnecessarily parties will face the rigours of criminal trial, which is not the intent of the above referred statutory provisions.

10. On 24.08.2026, learned APG filed the Report, according to which FIR has been registered against the Applicants, on 11.08.2026, when, the impugned Order was suspended by this Court. As per official version, that since the above Order was communicated on the following day, thus, the FIR was lodged in the intervening period; but, as per the Comment/Reply submitted by the SSP (District Khairpur), through APG, further proceedings has been stopped. Till date report under Section 173 (Cr.PC) has not been filed. Surprisingly, the official Respondents did not take any effective action on the complaints of the Applicants, addressed on behalf of Radio Pakistan, but showed “efficiency” to register FIR against the Applicants.

11. In view of the above discussion, since report under Section 173 (Cr.P.C) is not filed, therefore, this Criminal Miscellaneous

Application is allowed, the impugned Order is set-aside and the proceeding before the Ex-Officio Justice of Peace is quashed.

J U D G E

S.Nawaz(St)'