

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P.No.D-7495 of 2015**

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Date

Order with signature of Judge  
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**Present:**

**Mr.Justice Muhammad Ali Mazhar**  
**Mr.Justice Adnan-ul-Karim Memon**

Ismail Hasan.....Petitioner

V E R S U S

Province of Sindh & others.....Respondents

**Date of hearing: 26.12.2016**

Mr. Amir Mansoob Qureshi, Advocate for Petitioner.  
Mr. Iqbal Awan, A.P.G.  
Respondent No.5 Maqsood Ahmed is present in person.

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**Muhammad Ali Mazhar, J:** In fact through this petition the petitioner has challenged the orders dated 06.11.2015 and 23.11.2015. Basically the grievance of the respondent No.5 is that on 22.10.2015 a bus bearing registration No.JB-711 hit the car of the respondent No.5 but he and his gunman remained unhurt. According to respondent No.5, this was an attempt under criminal conspiracy hatched by the bus-owners alongwith some police officials. He went to Police Station Aram Bagh where his statement was recorded under Section 154 Cr.P.C. The grievance of the respondent No.5 is that instead of incorporating the facts narrated by him in his statement under Section 154 Cr.P.C., one ASI Nazeer Ahmed registered a case showing himself the complainant. The respondent No.5 filed Crl. Misc. Appln No.1577/2015 before the Justice of Peace under Section 22-A Cr.P.C. In paragraph 7 the Justice of Peace held that petitioner has made out the case for directions to respondents for

registering criminal case and direction was issued to register the case on the basis of statement made by respondent No.5 on 23.10.2015; while in the follow-up order dated 23.11.2015 directions were issued that S.H.O. is duty-bound to register a criminal case obeying the said order in its letter and spirit. Further directions were issued to S.H.O. Aram Bagh to comply with the order dated 06.11.2015 within three days failing which the show cause notice will be issued to him under Section 166 P.P.C. Learned counsel for the petitioner argued that it is the responsibility of the S.H.O. to record the statement under Section 154 Cr.P.C. and thereafter if he feels the commission of any cognizable offence, he may act in accordance with law and he can also register the F.I.R. but the Justice of Peace has no such power to issue directions to register the F.I.R. in any case, while the respondent No.5 submits that his statement was recorded in which he disclosed the actual facts but A.S.I. showing himself as the complainant lodged the F.I.R. by his own in which the actual facts have not be incorporated, therefore, second F.I.R. is necessary. However, after arguing at some length the petitioner's counsel and respondent No.5 as well as the A.P.G. all agreed that the petition may be disposed of with some directions to S.H.O. Arambagh to record fresh statement of the respondent No.5 and if any cognizable offence is made out from the statement of respondent No.5, the S.H.O. Aram Bagh may act in accordance with the law within ten (10) days. Order accordingly. Petition is disposed of with pending applications.

Judge

Judge

Asif