

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Misc. Application No. 222 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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Fresh Case.

1. For orders on MA No.4620/2022
2. For orders on office objection
3. For orders on MA No.4621/2022
4. For hearing of main case.

12-04-2022

Mr. Aijaz Ali Siyal, Advocate for applicant.
Mr. Talib Ali Memon, APG.

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Learned counsel for the applicant has been unable to satisfy me even after detailed arguments that a person can be deprived of his right to provide information of what he believes is the commission of a cognizable offence. The learned counsel after going through the impugned order agrees that directions given by the learned Justice of Peace are to register an F.I.R. only if the police comes to the conclusion that the information provided by the complainant is that of the commission of a cognizable offence. Learned counsel's anxiety however is that directions of like nature are in most cases interpreted by the police as mandatory directions for the registration of an FIR. Learned counsel is correct in his submission. It has been noted in a number of cases that while disposing of the case only order police to record the statement of a person who says he has information of an offence being committed and the police interpret to mean that an FIR should mandatorily be registered. This is not the wording or the intent of the impugned order in the present case. The learned Justice of Peace has simply ordered that the police may register an F.I.R. if it believes that the information provided tantamounts to that for the commission of a cognizable offence and in the event that the information provided is that relating to a non-cognizable offence or it is false information then too the police should progress in accordance with law. I find nothing illegal or unlawful in the impugned order.

Let a copy of this order be sent to the relevant SHO with directions that he must not interpret the order of Justice of Peace as a direction to mandatorily

register an FIR. The concerned SHO should hear the complainant and take into the account the documents which are available with the proposed accused to show that they have committed absolutely no offence. Learned APG present in court in other matters waives notice and agrees with the foregoing.

This Cr. Misc. Application stands disposed of in the above terms alongwith pending applications.

JUDGE