

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Criminal Misc. Application No. 742 of 2023

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Date	Order with signature of Judge
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For orders on office objection at A  
For hearing of main case

**16.11.2023**

Mr. Naveed Ahmed advocate for the applicant  
Mr. Amjad Ali Shabrani advocate for respondents No. 3 and 4.  
Mr. Siraj Ali Khan Adl. P.G

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Through this Criminal Miscellaneous Application under Section 561-A Cr. P.C., the applicant Talha Yousuf has assailed the legality of the order dated 05.09.2023 passed by the learned Xth Additional District & Sessions Judge/Ex. Officio Justice of Peace, South Karachi, in Criminal Miscellaneous Application No. 2505 of 2023, whereby he refused to order for registration of FIR against the proposed accused.

Learned counsel for the applicant has submitted that the case needs to be registered against the proposed accused and his statement may be recorded under Section 154 Cr.P.C. by the concerned SHO.

Learned Deputy PG assisted by learned counsel for the private respondents has contended that in such circumstances no direction can be issued to the concerned SHO to register the FIR in terms of the order passed by the learned Justice of Peace. He further submitted that the dispute between the parties seems to be of a civil nature as such this is not a fit case to issue directions to police for registration of FIR. Be that as it may, it is for the concerned police officials to see the things at his end as this Court cannot form opinions for and against the parties at this stage.

I have heard the learned counsel for the parties and perused the material available on record.

Prima facie the lis involves the simple issue of recording the statement of the petitioner before the concerned SHO. In this regard, the Supreme Court in the cases of *Younus Abbas v. Additional Sessions Chamwal & others* [PLD 2016 SC 581] and *Abdul Rehman Malik v. Synthia D. Ritchie American National and others* [2020 SCMR 2037] has already dilated upon the subject issue wherein the vires of the interference by the Justice of Peace with the functions of police/investigation have been questioned without success. Let the parties appear before the concerned SHO, who shall see the things at his end and if it is found that the matter between the parties is of a civil nature he shall refuse to entertain the applicant, and if the applicant discloses a cognizable offense he may do the needful in accordance with law.

JUDGE

