

ORDER SHEET

IN THE HIGH COURT OF SINDH KARACHI
Crl. Misc. Application No. 225 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGES

Priority Cases

1. For hearing of Main Case
2. For hearing of MA No. 3904/2021

06.12.2023:

Malik Khushhal Khan Advocates for the Applicant

Mr. Ashfaq Rafiq Janjua Advocate for the Respondent No.4

Mr. Muhammad Iqbal Awan, Additional Prosecutor General Sindh
for the State

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OMAR SIAL, J.: Learned counsel for the applicant is unable to satisfy me that a person can be restricted from providing information to the police about an offence which has been committed. Learned counsel appears to believe that K-Electric has done nothing wrong, and thus, the order of the learned Ex-Officio Justice of Peace should be set aside.

2. I have heard both the learned counsels. It is not the job of the High Court to replace the police in deciding whether the information provided to the police is correct, whether it is true, or whether the information reveals the commission of a cognizable offence or a non-cognizable offence. Indeed, the High Court is already heavily overburdened.

3. Learned counsel argues that the learned Ex-Officio Justice of Peace has given mandatory directions that an F.I.R. be registered. A reading of the order impugned makes it abundantly clear that this is not a direction given in the impugned order. All that has been said is that the police hear the person aggrieved and then, if satisfied, that a cognizable offence has been committed; only then should it register an F.I.R. Learned counsel

appears to be correct in his assertion that the Chief Executive Officer of K-Electric cannot be liable for all criminal acts that happen at the ground level. However, this is not the stage to argue this. At the moment, all that is in question is whether a person who claims to have information on the commission of a crime can go to the police to provide the information.

4. The learned counsel's anxiety to this extent is correct. The police usually interpret orders such as the impugned order to mean that they must necessarily register an F.I.R. It is clarified that the order in question does not direct the police to do that. Only if the police are satisfied that the information is credible and that a cognizable offence is made out will it do what the law requires.

5. I do not see any basis for continuing the interim order granted earlier. Accordingly, the same is re-called. At this juncture, learned counsel submits that the case be put before another Bench. As the learned counsel is a senior counsel of this Court and must have reasons to make such a request, it will be fair to him and K-Electric that the office fixes the case before another Bench. Nonetheless, the learned counsel's request is regrettable and, in my opinion, baseless and to the detriment of K-Electric as it will impact its cases fixed before this Bench.

6. A copy of this order should be sent to the applicant and the learned Additional Prosecutor General.

JUDGE