

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Criminal Misc. Application No.S-368 of 2024.

| Date | Order with signature of Judge  |
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|      | <ol style="list-style-type: none"> <li>1. For Orders on office objection.</li> <li>2. For hearing of main case.</li> <li>3. For hearing of MA 2941/2024 (S/A)</li> </ol> |

**19.05.2025.**

Mr. Achar Khan Gabol, Advocate for Applicants.  
Mr. Muhammad Nawaz Qazi, Advocate for Respondent No.4.  
Mr. Muhammad Raza APG.

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Through the instant Criminal Misc. Application, the applicants have impugned the Order dated 13.06.2024 passed by learned Additional Sessions Judge-III/Ex-Officio Justice of Peace Khairpur, who issued directions to concerned SHO to record statement of the applicant/Respondent No.4 at his verbatim if cognizable offence is made out, incorporate such statement in the relevant register U/S 154 Cr.P.C.

2. It is contended by counsel for applicants that no alleged offence has been committed by the applicants and there is civil dispute over sale and purchase of buffaloes in between applicants and respondent No.4 but the respondent No.4 by filing such application wanted to convert such litigation into criminal, therefore, order passed by learned Ex-officio Justice of Peace may be set aside.

3. On the other hand learned counsel for respondent No.4 and Assistant Prosecutor General opposed this application by submitting that no illegality or infirmity has been committed by Ex-Officio Justice of Peace hence the impugned order may be upheld and instant Criminal Misc. Application may be dismissed.

4. I have heard learned counsel for the parties and have scanned the material available on record. From perusal of application filed by Respondent No.4 before Justice of Peace Khairpur it transpires that earlier an application bearing No.1169/2024 was also filed and it is also admitted by police officials in their report filed before learned Justice of Peace that there is dispute in between applicants and respondent No.4 on purchase of buffaloes wherein the amount of Rs. 2200,000/- (Twenty two lacs) is involved. From further perusal of memo of application it reflects that the date and time of threats issued by applicants to the respondent No.4 is not mentioned nor even the mobile phone number from which such messages were delivered and received as mentioned in the memo and only the allegation is that applicant sent voice messages through whatsapp to respondent No.4 that they will murder him but the record is not supported his version. The learned Justice of Peace has also not considered such facts and passed the impugned order which is not sustainable under the law and is therefore, set aside. However, if respondent No.4 feels aggrieved and has good case for a prosecution against applicants, he is at liberty to file direct complaint before the Court having jurisdiction.

5. The Criminal Misc. Application stands disposed of in the above terms.

**JUDGE**

Irfan/PS