

**HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

**Cr. Misc Application No.S-359 of 2025.**

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
	1. For orders on office objections. 2. For hearing of main case.

**24.06.2025.**

Mr. Ahmed Ali Jarwar, Advocate for Applicant.

Mr. Irfan Ali Talpur, Deputy Prosecutor General for the State.

Respondent No.3 (Dr. Afrah Rehman) present in-person.

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**ORDER**

**Amjad Ali Sahito, J:-** Through this Cr. Misc Application, applicants Saeed Ahmed & Sajjad Hussain have impugned the order dated 29.05.2025 passed by learned 4<sup>th</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad in Cr. Misc Application No.1218 of 2025, whereby Cr. Misc Application filed by respondent No.3 for lodgment of FIR against applicants was allowed and directions were issued to concerned SHO for lodgment of FIR.

2. Learned Counsel for applicants argued that the learned Ex-Officio Justice of Peace has erred while passing the impugned order, which is not sustainable in the eyes of law; that according to the contents of 22A&B Cr.P.C application moved by Respondent No.3 nowhere it is mentioned that any of the applicant was present there when Respondent No.3 returned back at her house; that prior to this the applicants were detained by the police at the instance of Respondent No.3 for about one week and later on an application U/s 491 Cr.P.C was moved by the parents of applicant and then they were released. He further submitted that the Respondent No.3 had not approached the Court with clean hands, hence the order passed by the learned Ex-Officio Justice of Peace may be set-aside.

3. On the other hand, Respondent No.3 (Dr. Afrah Rehman) stated that in fact the present applicants had committed theft of about 15 Tola Gold from her house and its valuation is more than 60 Lac, but the concerned SHO has failed to lodge FIR against the applicants despite having order in her favour.

4. The learned Prosecutor fully supported the impugned order passed by learned Ex-Officio Justice of Peace and prayed for dismissal of the instant Cr. Misc Application.

5. Admittedly, the Respondent No.3 (Dr. Afrah Rehman) has disclosed a story of cognizable offence, wherein she has stated that the present applicants had committed theft of golden ornaments from her house valuing about 60 Lac Rupees. As such a story of cognizable offence has been disclosed, for which the concerned SHO has already been directed to record statement of the Respondent No.3 U/s 154 Cr.P.C. It is right of every citizen that if cognizable offence is made out then the police is bound to register the case and to investigate the same to ascertain the false and truth of information. The Honourable Supreme Court of Pakistan time and again has held that when a person has approached to the police for registration of FIR, it is duty of police to register FIR and investigate the case.

6. In view of above circumstances, the Application in hand stands dismissed.

JUDGE

*Ali.*