

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

Criminal Misc. Appln. No. S-177 of 2025

Applicant	Ali Asghar Shah s/o Syed Nadar Shah, Through M/s Saeed Ahmed Panhwar and Safdar Ali Ghouri, advocates
Respondent No.3	Sadaruddin Through Mr. Muhammad Afzal Jagirani, advocate
The State	Mr. Aitbar Ali Bullo, D.P.G for the State
Date of hearing	26-06-2025
Date of order	26-06-2025

ORDER

SHAMSUDDIN ABBASI, J.- Through instant Criminal Misc. Appln, the applicant Ali Asghar Shah has impugned the order dated 24.05.2025, passed by the learned II-Additional Sessions Judge/Ex. Officio Justice of Peace, Mehar on the application filed by respondent No.3 Sadaruddin, whereby learned Ex-Officio/Justice of Peace has issued directions to record the statement of respondent No.3 in terms of Section 154 Cr.P.C as per his verbatim.

2. The facts depicted in the impugned order are reproduced hereunder:-

"The applicant has alleged that he is owner of GLI Car model 2011 which is being drive by proposed accused No.01 in Taxi, who used to park the car with him. On 23.03.2025 at about 07:00 AM, the proposed accused No.01 informed him that the above car has been theft and after search, he came to know that proposed accused No.01(his driver) has committed theft of car of applicant, therefore he reported incident at P.S A-Section Mehar, where after then SHO Mohsan Jamali arrested to proposed accused No.01, but meanwhile he was transferred and there after proposed accused No.2/Ali Asghar Shah posted as SHO at P.S A-Section Mehar, with whom, applicant meet, who assured for recovery of theft car. The proposed accused No 2 called to applicant at P.S and informed him that his theft car is recovered and demanded Rs.2,00,000/- for return of vehicle and for registration of FIR against accused. On 27.03.2025 at 06.00 PM, the applicant along with Muhammad Sulleman and Safdar went to P.S

Mehar and paid Rs.200,000/- as gratification to proposed accused No 2, who asked him to come on next date to receive his stolen car and for registration of FIR, but when he went to proposed accused No 2 Ali Asghar Shah, but neither he returned the above car nor return paid amount and even he released the arrested proposed accused No.01."

3. Learned counsel for the applicant submits that impugned order is perverse, arbitrary and not based on sound and cogent reasons; that the applicant was condemned unheard and no notice has been served out to provide opportunity of hearing which is against the fundamental rights of applicant; that learned Ex-Officio/Justice of Peace has not considered the material placed by the D.S.P Complaint Cell Dadu; that the story has been managed by respondent No.3 in order to drag the innocent person in false criminal case. He further denied the allegation that present applicant/S.H.O has released the arrested accused and sought cash of Rs.200,000/- for recovery of his stolen car and registration of F.I.R. During hearing the applicant who is holding the charge as S.H.O P.S. A-Section Mehar has shown his willingness to record the statement of respondent No.3 to the extent of stolen car by proposed accused No.1 Muhammad Sajjan.

4. On the other hand, learned counsel for respondent No.3 submits that impugned order has been passed by the learned Ex-Officio/Justice of Peace in accordance with law after fair evaluation of material placed on the record; that cognizable offence has been made out and S.H.O is bound to record the statement of application as per his verbatim. He has prayed for dismissal of the application.

5. Learned D.P.G did not support the impugned order on the ground that there is exaggeration on the part of complainant to falsely implicate the S.H.O.

6. Heard learned counsel for the applicant, learned counsel for respondent No.3, learned D.P.G and perused the material.

7. It is case of respondent No.3 that he is owner of G.L.I car Model 2011 and proposed accused No.1 Muhammad Sajjan used to ply his car as taxi. On 23.03.2025 at about 07-00 a.m, Muhammad Sajjan informed him that his car has been stolen. The respondent No.3 after searching of his car, came to know that Muhammad Sajjan is involved for committing theft of his car. He reported the matter at Police Station A-Section Mehar and produced the accused Muhammad Sajjan before the then S.H.O Mohsan Jamali of P.S. A-Section Mehar, who arrested

the proposed accused Muhammad Sajjan, thereafter he was transferred and present applicant was posted as S.H.O Police Station A-Section Mehar. It is further alleged in the proposed F.I.R that present application sought cash of Rs.200,000/- as gratification for recovery of his vehicle and registration of F.I.R but neither the vehicle was recovered nor F.I.R was registered and he released the accused. During proceedings the applicant who is holding the charge of S.H.O P.S. A-Section Mehar and stated that he is ready to register the F.I.R against proposed accused Muhammad Sajjan. However, he has denied the allegation that he received cash of Rs.200,000/- from the complainant and released the proposed accused Muhammad Sajjan. The District Complaint Cell has filed negative report. It is matter of record that learned Ex-Officio/Justice of Peace issued directions for registration of F.I.R against the applicant for taking bribe from the complainant for registration of F.I.R. It appears that he was condemned unheard, which is against the principles of natural justice. The main grievance of the complainant is that proposed accused Muhammad Sajjan has committed theft of car of complainant, therefore, I am of the considered view that S.H.O P.S. A-Section Mehar is directed to register the F.I.R of complainant regarding theft of his car committed by proposed accused Muhammad Sachal. As far as second portion of proposed F.I.R that the S.H.O received gratification for recovery of his car and registration of F.I.R is concerned, same is unjustified for the reason that he was condemned unheard, which is against the principles of natural justice, therefore, impugned order to that extent is set-aside.

8. In view of above, this criminal misc. application is partly allowed to the extent that respondent No.3 may lodge his F.I.R against the proposed accused No.1 Muhammad Sajjan.

9. Instant criminal misc. application stands disposed of as above.

JUDGE

Abdul Salam/P.A