

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Misc Application No.S-173 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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07.08.2025

Mr. Haris Ali Larik advocate for the applicant.

Mr. Ghulam Abbas Dalwani, D.P.G Sindh.

Ms. Mahr-un-Nisa Mughal advocate has filed vakalatnama on behalf of the respondents No.4 & 5, which is taken on record.

O R D E R

Amjad Ali Sahito, J.- Per learned counsel the learned Sessions Judge has no power to pass order for registration of FIR when the FIR of same incident has already been registered. In support of his contention he has filed statement along with order dated 17.07.2025. He further submits that in view of Sughra Bibi case no FIR can be registered in same incident. Lastly he prayed for setting aside the impugned order.

Ms. Mahr-un-Nisa Mughal advocate has filed vakalatnama on behalf of the respondents No.4 & 5, which is taken on record. She states that police officials have illegally detained Muhammad Qasim son of Saleem Akhtar Khatoon/respondent No.4. She further states that the learned Magistrate conducted raid at the Police Post Baloch Abad where Muhammad Qasim found under illegal confinement. In support of her contention she produced photographs of Muhammad Qasim and she further states that learned Sessions Judge has rightly passed the order.

Learned D.P.G has supported the impugned order and prayed for the dismissal of the instant application.

Heard and Perused.

The applicant has impugned the order dated 19.07.2025 wherein the learned In-charge Sessions Judge, Mirpurkhas directed to concerned SHO to register the FIR against delinquent official who are involved in illegal detention of the detainee Muhammad Qasim son of the respondent No.4 Mst Saleem Akhtar Khatoon so that her son was illegally detained by the proposed accused persons. She has filed the application under section 491 Cr.P.C and raid was conducted wherein the para No.7 of the impugned order it is written the illegal detention of the detainee is apparent because the learned Magistrate arrived at Police Post Baloch Abad at 1120 hours and memo of arrest allegedly prepared at 1200 hours. Therefore, the applicant is at liberty to register FIR against all the delinquent police officials/officers, who have illegally detained her son Muhammad Qasim. After passing this order Mst Saleem Akhtar Khatoon appeared at Police Station for registration of FIR where the SHO concerned refused to lodge the FIR, as such conduct the contempt application was filed. Since the cogent reason given by the learned trial court, so also it prima facie from the face of the order the detainee Muhammad Qasim was illegally detained by the police officials as such the accused persons allegedly committed a cognizable offence.

I have perused the impugned order, which does not suffer illegality or material irregularity in order passed by the learned In-charge Sessions Judge, Mirpurkhas, hence instant Criminal Miscellaneous Application is hereby dismissed.

JUDGE