

**IN THE HIGH COURT OF SINDH CIRCUIT COURT
AT HYDERABAD**

Criminal Revision Application No. S-59 of 2023

For Applicant:	Jam Kaloi son of Manak Kaloi through M/s. Syed Tariq Ahmed Shah, and Ammar Ahmed, advocates.
For the Respondents 4-10:	Ali Ghulam, Ghulam Rasool, Majeed, Qadir, Khamiso, Ayoub and Ashraf through M/s Ishrat Ali Lohar and Muhammad Jameel Ahmed, advocates.
For State:	Ms. Sana Memon, A.P.G.
Date of hearing:	26-08-2025
Date of Judgment:	26-08-2025

JUDGMENT

Jan Ali Junejo, J. --- This Criminal Revision Application, filed under Sections 435 and 439, Cr.P.C., assails the legality of the Order dated 03.04.2023 (hereinafter referred to as the "*Impugned Order*") passed by the learned Ex-Officio Justice of Peace / Ist Additional Sessions Judge, Badin, whereby the applicant's request for registration of a second FIR in respect of the same occurrence was declined. The applicant insists that a separate cognizable offence was made out on his narration, and that denial of a fresh FIR has resulted in miscarriage of justice.

2. The brief facts, as narrated in Criminal Misc. Application No. 454 of 2023 under Section 22-A, Cr.P.C., filed by the Applicant, Jam Kaloi son of Manak Kaloi, are that on 21.03.2023, at about 6:30 p.m., the deceased, Miandad son of Manak Kaloi, brother of the Applicant, was present at his agricultural land near the watercourse when the proposed accused along

with co-accused, armed with firearms and hatchets, arrived, abused him, and, on the instigation of accused Ali Ghulam, co-accused Ghulam Rasool fired upon him with a repeater. The deceased sustained injuries and succumbed to them at Hyderabad Hospital on 22.03.2023. Despite completion of medico-legal formalities and availability of supporting documentary evidence, the concerned SHO, allegedly acting under the influence of the accused and local politicians, refused to register the FIR. This compelled the Applicant and his relatives to stage a protest with the dead body outside the police station, which was also covered by the media. However, despite senior police officials being aware, no FIR was lodged. Consequently, the Applicant approached the learned Ex-Officio Justice of Peace seeking appropriate directions. During pendency of proceedings, FIR No. 27 of 2023 was registered by SHO/Inspector Ameer Bukhsh Khoso on behalf of the State at Police Station Tando Bago under Section 302, P.P.C., against unknown persons. The Applicant sought directions for registration of an FIR against the nominated persons. However, vide order dated 03.04.2023, the learned Ex-Officio Justice of Peace dismissed the application, holding that once an FIR had already been registered regarding the incident, a second FIR could not be lodged and that the Applicant's version could be incorporated during investigation.

3. Learned counsel for the Applicant contended that the impugned order dated 03.04.2023 is perverse, suffers from material irregularities, and has resulted in miscarriage of justice. It was argued that the police deliberately registered FIR No.27 of 2023 against unknown persons, despite the Applicant's prompt complaint naming the actual culprits, thereby shielding them from prosecution. It was further submitted that the learned Ex-Officio Justice of Peace failed to appreciate that the Applicant is an eyewitness, entitled to have his version recorded in the FIR itself, not

merely in a subsequent statement under Section 161 Cr.P.C. Counsel, therefore, prayed that the Criminal Revision Application be allowed, the impugned order be set aside, and the SHO be directed to register FIR as per Applicant's verbatim.

4. Conversely, learned counsel for Respondents Nos.4 to 10 submitted that the impugned order is lawful, well-reasoned, and in consonance with the binding precedent of the Honourable Supreme Court, particularly PLD 2018 SC 595, which categorically hold that there can be no second FIR for the same occurrence. It was contended that all versions of an incident must be recorded by the Investigating Officer during investigation under Section 161 Cr.P.C., and the Applicant's grievance can be redressed therein. Counsel further argued that the Criminal Revision Application is frivolous and filed only to pressurize the proposed accused. He prayed for dismissal of the same with costs.

5. Learned A.P.G. supported the impugned order and adopted the arguments of Respondents Nos.4 to 10. She submitted that the revisional jurisdiction of this Court is confined to correcting glaring illegalities or jurisdictional defects, which are absent in the present case. She argued that the impugned order of the learned Ex-Officio Justice of Peace is in line with the settled law that prohibits multiplicity of FIRs and safeguards all parties by directing the Investigating Officer to incorporate supplementary versions under Section 161 Cr.P.C. She, therefore, prayed for dismissal of the Criminal Revision Application being devoid of merit.

6. I have carefully considered the arguments advanced by the learned counsel for the Applicant, the learned counsel for Respondents Nos. 4 to 10, and the learned A.P.G. for the State. I have also meticulously examined the contents of the Impugned Order and the material available on record. A perusal of the record reveals that the learned Ex-Officio Justice of Peace

duly observed that FIR No. 27 of 2023 had already been lodged by SHO/Inspector Ameer Bukhsh Khoso on behalf of the State at Police Station Tando Bago under Section 302, P.P.C., against unknown persons, in respect of the incident in question. On the settled principle of one-occurrence-one-FIR, no direction could be issued for a second FIR. However, it was observed that the applicant was not remediless: his version could be placed before the Investigating Officer to be incorporated under section 161 Cr.P.C., and duly reflected in the police report under section 173 Cr.P.C. The Honourable Supreme Court of Pakistan, in the case of *Mst. Sughran Bibi v. The State (PLD 2018 SC 595)*, conclusively held that only one FIR shall be registered in respect of a single occurrence. The Apex Court further observed as follows:

- (i) *According to section 154, Cr.P.C. an FIR is only the first information to the local police about commission of a cognizable offence. For instance, an information received from any source that a murder has been committed in such and such village is to be a valid and sufficient basis for registration of an FIR in that regard.*
- (ii) *If the information received by the local police about commission of a cognizable offence also contains a version as to how the relevant offence was committed, by whom it was committed and in which background it was committed then that version of the incident is only the version of the informant and nothing more and such version is not to be unreservedly accepted by the investigating officer as the truth or the whole truth.*
- (iii) *Upon registration of an FIR a criminal “case” comes into existence and that case is to be assigned a number and such case carries the same number till the final decision of the matter.*
- (iv) *During the investigation conducted after registration of an FIR the investigating officer may record any number of versions of the same incident brought to his notice by different persons which versions are to be recorded by him under section 161, Cr.P.C. in the same case. No separate FIR is to be recorded for any new version of the same incident brought to the notice of the investigating officer during the investigation of the case.*
- (v) *During the investigation the investigating officer is obliged to investigate the matter from all possible angles while keeping in view all the versions of the incident brought to his notice and, as required by Rule 25.2(3) of the Police Rules, 1934 “It is the duty of an investigating officer to find out the truth of the matter under*

investigation. His object shall be to discover the actual facts of the case and to arrest the real offender or offenders. He shall not commit himself prematurely to any view of the facts for or against any person”.

- (vi) *Ordinarily no person is to be arrested straightaway only because he has been nominated as an accused person in an FIR or in any other version of the incident brought to the notice of the investigating officer by any person until the investigating officer feels satisfied that sufficient justification exists for his arrest and for such justification he is to be guided by the relevant provisions of the Code of Criminal Procedure, 1898 and the Police Rules, 1934. According to the relevant provisions of the said Code and the Rules a suspect is not to be arrested straightaway or as a matter of course and, unless the situation on the ground so warrants, the arrest is to be deferred till such time that sufficient material or evidence becomes available on the record of investigation prima facie satisfying the investigating officer regarding correctness of the allegations levelled against such suspect or regarding his involvement in the crime in issue.*
- (vii) *Upon conclusion of the investigation the report to be submitted under section 173, Cr.P.C is to be based upon the actual facts discovered during the investigation irrespective of the version of the incident advanced by the first informant or any other version brought to the notice of the investigating officer by any other person.*

All versions, whether advanced by the accused, the complainant, or any other person, must be duly incorporated by the Investigating Officer during the course of investigation. The Investigating Officer is under a statutory obligation to record all statements under Section 161, Cr.P.C., and to collect all relevant material with a view to discovering the truth. Rule 25.2(3) of the Police Rules, 1934, likewise emphasizes that the purpose of investigation is not to support a preconceived version of events, but to ascertain the actual facts of the case with complete impartiality. For convenience of reference, Rule 25.2(3) of the Rules, 1934, is reproduced below:

“(3) It is duty of an investigating officer to find out the truth of the matter under investigation. His object shall be to discover the actual facts of the case and to arrest the real offender or offenders. He shall not commit himself prematurely to any view of the facts for or against any person”.

Bare reading of the aforesaid provision of law clearly demonstrates that the primary object of Rule 25.2(3) of the Police Rules, 1934, is to ensure impartiality and objectivity in the investigative process. It obligates the Investigating Officer to ascertain the truth by discovering the actual facts of the case without succumbing to preconceived notions or biases. The Rule further mandates that the investigation must be directed towards identifying and apprehending the real offender(s), while cautioning against any premature commitment to a particular version of events or presumption of guilt or innocence of any person. This reflects the fundamental principle that investigation is a fact-finding exercise, not a means to justify preconceived conclusions.

7. It is a settled principle that criminal law does not permit multiplicity of FIRs in respect of the same incident. Allowing registration of multiple FIRs would not only open the door for abuse of process and harassment of the accused but would also create practical complications for investigation and trial. Two parallel investigations on the same incident, possibly reaching divergent conclusions, would severely compromise the fairness and credibility of the justice system. The wisdom of *Sughran Bibi* lies in ensuring both balance and fairness: while a single FIR suffices to set the criminal law in motion, every person connected with the occurrence retains the right to have their version recorded. This strikes at the core of access to justice and prevents marginalization of any party's perspective. The Investigating Officer, who is entrusted with the statutory responsibility of discovering the truth, cannot lawfully ignore or suppress such version. He is bound to record all statements under section 161 Cr.P.C., collect relevant evidence, and then place a complete picture before the trial Court under section 173 Cr.P.C.

8. In the present case, FIR No.27 of 2023 already covers the occurrence. The applicant's grievance is essentially that his perspective has not been fairly reflected. The learned Ex-Officio Justice of Peace rightly declined to direct registration of a second FIR, but correctly safeguarded the applicant's rights by allowing him to approach the Investigating Officer for incorporation of his version. This approach ensures that the applicant is not deprived of justice, while at the same time protecting the integrity of criminal procedure from the mischief of multiple FIRs. Interference in revision is justified only where an order suffers from illegality, material irregularity, or perversity. The impugned order is consistent with binding precedent and contains a balanced approach that respects both statutory command and individual rights. It therefore warrants no interference.

9. For the foregoing reasons, the Criminal Revision Application is dismissed for lack of substantive merit. Nevertheless, in order to safeguard the applicant's right to a fair investigation, the following directions are hereby issued:

- i. Investigation shall continue strictly within FIR No.27 of 2023 of P.S. Tando Bago; no second FIR shall be registered.
- ii. The concerned Investigating Officer shall record the applicant's detailed version under section 161 Cr.P.C., along with statements of any supporting witnesses named by him, within fifteen (15) days.
- iii. A progress report confirming compliance with these directions shall be filed before the learned Judicial Magistrate seized of FIR No.27 of 2023 within twenty (20) days, to be placed with the case diary.

JUDGE