

ORDER SHEET

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

**Cr. Misc. App. No. S – 446 of 2024**

Date of hearing	Order with signature of Judge
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**Hearing of case**

For hearing of main case

**09.10.2025**

Mr. Shahzado Dreho, Advocate for applicant.  
Mr. Faheem Majeed Memon, Advocate for respondent No.5 to 11.  
Mr. Ubedullah Malano, Advocate for respondents No.8 to 11.  
Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General.

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Through this application, the applicant has challenged the order dated 10.06.2024 passed by the learned Additional Sessions Judge-V / Ex-Officio Justice of Peace, Sukkur in Cr. Misc. Appln. No.1739/2024, whereby his application filed under Section 22-A(6)(i) and 22-B, Cr.P.C. was disposed of leaving him at liberty to file Direct Complaint.

It appears that the learned Ex-Officio Justice of Peace has declined the request for registration of FIR primarily on the ground that the allegations are based on oral version, no independent witness was cited, and the injury sustained falls under non-cognizable offence as per the Medico Legal Certificate. However, the applicant has consistently alleged that a cognizable offence was committed, and such assertion warrants at least an opportunity to present his version before the police authorities. The record shows that the impugned order was passed on the basis of preliminary medical report, however subsequently the final report dated 04.07.2024 has also come up which described the injury as cognizable.

Learned Counsel for the private respondents has contended that there exists animosity and civil proceedings are also pending between the parties. He submits copy of Civil Suit.

In view of the facts and circumstances, the impugned order dated 10.06.2024 is hereby set aside. The present application is **allowed**. Respondent No.3 (SHO, Police Station 'A' Section, Sukkur) is directed to

record the statement of the applicant under Section 154, Cr.P.C and proceed strictly in accordance with law. However, it is made clear that no arrest shall be made by the SHO or the IO pursuant to the said FIR that may be lodged in consequence of this order unless tangible evidence is collected during the course of investigation justifying such arrest. Office is directed to communicate this order to the concerned SHO for compliance.

Criminal Miscellaneous Application stands **disposed of** in the above terms.

J U D G E

Abdul Basit