

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Criminal Misc. Application No. S-402 of 2025

<i>Date</i>	<i>Order with signature(s) of Judge(s)</i>
1.	<i>For orders on M.A No.5182/2025.</i>
2.	<i>For orders on office objection.</i>
3.	<i>For orders on M.A No.5183/2025.</i>
4.	<i>For hearing of Main Case.</i>
5.	<i>For orders on M.A No.5184/2025.</i>

10.11.2025

Mr. Abdul Rehman A. Bhutto, Advocate along with Applicants.

-x-x-x-x-x-

- 1. Urgency granted.
- 2. Deferred.
- 3. Exemption granted subject to all just exceptions.

4-5. Through this Criminal Miscellaneous Application, the applicants have assailed the order dated 07.11.2025 passed by the learned Additional Sessions Judge / Justice of Peace, Kashmore, in Criminal Miscellaneous Application No.1502 of 2025, whereby the application filed by respondent No.3 for registration of an FIR was allowed, directing the SHO to record the statement of the applicants in terms of Section 154, Cr.P.C., and if a cognizable offence is made out, to incorporate the same in the relevant register.

Briefly, the facts, as emerging from the record, are that respondent No.3 moved an application alleging that the present applicants caused injuries to him, which were later declared as *Jurh Ghayr Jaifa Badihah* and other hurts [Sections 337-F(ii) and 337-H(ii), PPC]. It was alleged that the said injuries were caused by some hard blunt and sharp-edged object, thus constituting a cognizable offence. On the other hand, the concerned police submitted that a letter for

medical treatment had been issued erroneously, as the incident pertained to another jurisdiction.

Learned counsel for the applicants contends that the allegations leveled in the application under Sections 22-A and 22-B, Cr.P.C. are general and vague. He submits that there exists a landed dispute between the parties, and civil suits are already pending adjudication; therefore, the impugned application was filed only to exert pressure upon the applicants. He further argues that there are contradictions regarding the alleged weapon used in the incident, as it was specifically mentioned that the applicants were armed with a dagger. Moreover, the police report does not support the version of respondent No.3. On these grounds, he prays that the impugned order passed by the learned Justice of Peace be set aside.

From the perusal of the record, it appears that the application filed under Sections 22-A and 22-B, Cr.P.C. discloses a cognizable offence, thereby making it the statutory duty of the In-charge Police Station to record the statement, and then the Investigation officer shall conduct a fair and impartial investigation and conclude the same after examining all aspects of the case. The objections raised by learned counsel for the applicants, being largely factual, are misconceived and do not constitute valid grounds for setting aside the impugned order. It is well-settled that the opinion of the police, even if expressed in clear terms, is not binding upon the Courts, as such opinion is to be assessed only tentatively at the pre-investigation stage. As regards the contention that the incident falls within another jurisdiction, it may be observed that a proper mechanism is already provided under the Police Rules, 1934, particularly Chapter XXV (Investigation), Rules 25.1 to 25.5, which govern the procedure in cases of jurisdictional disputes between police stations.

In view of the above discussion, no case for interference with the impugned order is made out. Once a cognizable offence is prima facie disclosed, the recording of a statement under Section 154, Cr.P.C. becomes the legal right of the complainant, especially where no element of mala fide is apparent. Accordingly, this Criminal Miscellaneous Application stands dismissed in *limine*. However, it is directed that the investigation shall be conducted strictly in accordance with law, and it is reiterated that no arrest be made against the applicants without tangible evidence.

JUDGE

Zulfiqar