

**IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS**

**Crl. Misc. Application No.S-578 of 2024**

*[Rano son of Bharo v Superintendent of Police Mirpurkhas & 11 others]*

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Mr. Abdul Raheem Chandio, Advocate for the Applicant.  
Mr. Pervez Akhtar Talpur, Advocate for Respondent No.8.  
Mr. Muhammad Hashim Laghari, Advocate for Respondent No.11.  
Mr. Om Parkash H. Karmani, Advocate for Respondents 5, 6 and 10.  
Mr. Altaf Sachal Awan, Advocate for Respondent No.12.  
Mr. Ghulam Abbas Dalwani, D.P.G.

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Date of hearing **17.12.2025**

Date of Order **24.12.2025**

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**ORDER**

**Shamsuddin Abbasi, J.:-** Through this Criminal Miscellaneous Application, the applicant Rano son of Bharo has assailed the validity of the order dated 09.09.2024, penned down by the learned Additional Sessions Judge-II/CBV/Anti-Rape Court, Mirpurkhas, whereby, while considering the report submitted by the Investigating Officer recommending disposal of the case under "B" class, the learned trial Court instead disposed of the case under "C" class. The applicant, being the complainant of the FIR, is aggrieved by the impugned findings and has therefore invoked the jurisdiction of this Court under Section 561-A, Cr.P.C. seeking interference therewith.

2. FIR No.115 of 2024 was lodged by the applicant/complainant at Police Station Kot Ghulam Muhammad for the offences under Sections 452, 354, 376, 511, 337-H(ii), 395 and 506-B, PPC. It is alleged that on 01.06.2024 at about 11:00 p.m. the respondents/accused, while armed with pistols, unlawfully trespassed into his and among them accused Dhanji attempted to commit rape upon his wife Shr. Geni, who raised cries upon which complainant alongwith Hiro came there and on seeing them the accused left the complainant's wife and before fleeing robbed one tola of gold, half kilogram of silver and cash amounting to Rs.100,000/- and made their escape good making aerial firing and extending threats of dire consequences.

3. Pursuant to the registration of the FIR, the investigation was followed and in due course the Investigating Officer submitted a final report under

Section 173, Cr.P.C. recommending disposal of the case under "B" class. Upon receipt of the said report, the learned trial Court instead accepting the report disposed of the case under "C" class, hence this Criminal Misc. Application.

4. It is contended on behalf of the applicant that the Investigating Officer conducted investigation in a highly casual, mechanical and dishonest manner. It is next submitted that the respondents/accused are nominated in the FIR with specific roles and that the ocular account has fully supported the version narrated therein. It is also submitted that at the stage of taking cognizance deep and meticulous analysis of the record is not permissible and only a tentative assessment is required to be made. It is argued that the learned trial Court accepted the report submitted by the Investigating Officer by placing blind reliance thereon without application of a conscious judicial mind and disposed of the case under "C" class without assigning any cogent, convincing or plausible reasons. It is also argued that the findings recorded by the learned trial Court are primarily based on the alleged non-availability of CDR whereas the Investigating Officer deliberately failed to collect relevant and material evidence from the concerned quarters and extended undue favour to the respondents/accused. Such omission, according to learned counsel, has resulted in a one-sided and tainted investigation, undertaken with mala fide intention and with the object of extending unlawful benefit to the accused persons. Learned counsel has vehemently argued that the allegations levelled in the FIR are heinous in nature and could not have been brushed aside without taking cognizance and recording evidence. It is further contended that the impugned order has been passed in a cursory manner, without conscious application of judicial mind and that the disposal of the case under "C" class is contrary to the material available on record as well as the settled law laid down by the Hon'ble Superior Courts. He, therefore, prays that the impugned order may be set aside and the matter may be remanded to the learned trial Court with a direction to take cognizance of the offence and decide the case after a full-dressed trial on merits.

5. On the other hand, the learned counsel appearing for the respondents have jointly controverted the arguments advanced by the learned counsel for the applicant and submitted that the respondents/accused belong to respectable families and have been falsely implicated in the instant case. It is next submitted that the Investigating Officer conducted a fair, impartial and

transparent investigation and after due application of mind rightly submitted a report recommending disposal of the case under "B" class, which according to them ought to have been approved in the same category instead of being converted into "C" class. It is next contended that the applicant is habitual in leveling false allegations against different persons and has involved innocent individuals in fabricated cases in collusion with Mir Hassan Khan Bhurgri, a practicing Advocate, and one Mehroo Mal, solely to achieve his malicious designs. He further submits that complainant and alleged victim are peasants/Haries of Mir Hassan Khan Bhurghuri advocate and Sindh Bar Council has suspended his license due to various complaints. In support thereof, copies of Criminal Miscellaneous Application No.443 of 2024 along with the order passed thereon, duly supported by a list of cases allegedly lodged/ filed against innocent persons on the same set of witnesses. On the strength of these submissions, the learned counsel for the respondents pray that the impugned order may be modified and that the FIR /case may be disposed of under "B" class as originally recommended by the Investigating Officer.

6. The learned Deputy Prosecutor General has supported the arguments advanced by the learned counsel for the respondents/accused and has prayed for dismissal of the instant application.

7. I have given my anxious consideration to the submissions of respective sides and perused the entire material available before me with their able assistance.

8. As per the settled practice of criminal jurisprudence, there are three well known classifications of A, B and C classes, which are invoked at the stage of submission of final report under Section 173, Cr.P.C. whereby the investigating officer recommends disposal of the case under the appropriate category. Such recommendations, however, are not conclusive in nature and are always subject to judicial scrutiny by the concerned Magistrate or trial Court, which is duty bound to apply its independent judicial mind before accepting, modifying or rejecting the proposed classification. The Court is not bound by the subjective opinion of the police and is required to determine on the basis of the material available on record whether the case warrants classification under any of the said categories. For further clarification, the three classes are explained as under:-

*"A-Class: This category applies to cases where the allegations are*

*found to be substantively true, but the accused remain untraced or unidentified. The investigation report in such matters reflects that, despite diligent and sincere efforts by the Investigating Officer, the culprits could not be apprehended. In these circumstances, the FIR is kept pending, and the investigation may be resumed or continued if any fresh or credible information comes to light in the future.*

*B-Class: This classification is reserved for maliciously false or frivolous complaints. Where, after proper investigation, it becomes evident that the FIR was lodged knowingly with false information or with an intent to harass the accused, the case is disposed of under B-Class. Disposal under this category may also attract legal consequences for the complainant under Section 182 of the Pakistan Penal Code, which penalizes furnishing false information to public servants.*

*C-Class: This category covers those cases which are neither established as true nor proved to be maliciously false. It includes situations where there is insufficient evidence to proceed, where the matter falls under non-cognizable offences, or where the facts appear to be primarily civil in nature”.*

9. Where the information gathered during investigation creates doubt regarding the commission of an offence, the law prescribes a specific procedure to record such findings and to endorse that no offence appears to have been committed. Insofar as the cancellation of a case is concerned, the Court of competent jurisdiction is empowered either to concur with the opinion of the Investigating Officer or to disagree with and decline such report. Whereas in cases registered against unknown or untraced persons the law does not permit outright cancellation or absolute rejection of such cases without due inquiry or investigation. Rather, specific provisions have been framed to ensure that even where the offenders remain untraced, the case file remains alive for future action as and when fresh material becomes available.

10. In the case in hand, the matter assumes significance in light of the aforementioned principles. The learned trial Court, while disposing of the case under “C” class considered relevant aspects such as absence of independent corroboration, non-recovery of weapon or any other incriminating article alleged to be robbed and the contradictions between the CDR and the memo of place of incident, however, did not taken pain of the fact of registration of multiple FIRs against innocent persons, which supports the contention of the learned counsel for the respondents/accused that the complainant is habitual in involving innocent persons in false cases just to achieve his malicious designs through influential persons. This court cannot ignore the point raised by the counsel for the respondents that complainant and victim are peasant/Haries of Mir Hassan Khan Bhurghuri advocate whose

license has been suspended by Sindh Bar Council on different complaints against him and respondents are serving in Irrigation Department and Mir Hassan Khan Bhurghuri is annoyed with the respondents/accused with malafide intention and ulterior motives and he booked them in this case through complainant and victim by getting directions from learned Ex-Officio for registration of the FIR.

11. Upon perusal of the whole record including the FIR, investigation report and submissions of the learned counsel for the parties, it is observed that the allegations in the FIR are serious in nature. The investigation, however, has not substantiated these allegations leading the investigating officer to recommend disposal of the case under "B" class. It is also noteworthy that the evidence collected indicates that the applicant/complainant may have lodged FIR with mala fide intention, falsely implicating the respondents/accused. Supporting material on record including prior instances of lodging and filing certain FIRs and direct complaints as pointed out by the learned counsel for the respondents /accused, list available in the file, and collusion strengthens this inference. Lodging a false FIR constitutes serious misconduct under the law resulting in unwarranted harassment and abuse of the judicial process. Accordingly, the report submitted by the investigating officer recommending disposal of the case under "B" class is accepted while action under Sections 182 and 211, PPC is warranted against the complainant for falsely implicating the respondents/accused. The Station House Officer of Police Station Kot Ghulam Muhammad, District Mirpurkhas, is directed to initiate appropriate proceedings against complainant in accordance with law and a compliance report shall be submitted to this Court through the Additional Registrar of this Court. Furthermore, the D.I.G. Mirpurkhas is directed to take appropriate action against those officials found to be involved in facilitating Mir Hassan Khan Bhurgri, Advocate, in connection with the false registration of FIRs. With these directions the impugned order is modified and instant Criminal Misc. Application No.S-578 of 2024 is dismissed.

**JUDGE**