

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc: Application No.S-43 of 2026
(Amjad Ali Mangi Vs The State & others)

DATE JUDGE	ORDER	WITH	SIGNATURE	OF
---------------	-------	------	-----------	----

1. For hearing of M.A No.325/26 (S/A).
2. For hearing of main case.

Date of hearing and order 29.06.2026

Mr. Manzoor Hussain Mahesar, Advocate for applicant.
Mr. Ramees Hussain Chajro, Advocate for respondent No.2.
Mr. Khalil Ahmed Matilo, Deputy Prosecutor General.

.....

ORDER

- Adnan-ul-Karim Memon, J:-** The applicant, Amjad Ali, has filed the instant Criminal Miscellaneous Application against order dated 12.01.2026 passed by the learned Additional Sessions Judge-II/Ex-officio Justice of Peace, Khairpur in Cr.Misc. No.6310/2025, whereby the SHO was directed to record the statement of respondent No.4 under Section 154 Cr.P.C.
2. Learned counsel for the applicant submits that respondent No.4 allegedly took possession of the applicant’s car, wherein a cheque was lying, and based on false and concocted facts obtained the impugned order. It is further contended that a non-cognizable report regarding the same incident has already been lodged at P.S. B-Section, Khairpur, and that the learned Justice of Peace failed to consider this material aspect. It is also stated that in view of the restraint order dated 13.01.2026, no FIR has been registered.
3. Learned counsel for the complainant and learned DPG submit that cognizable offence is disclosed; therefore the SHO is bound to record the statement under Section 154 Cr.P.C.
4. I have heard the learned counsel for the parties and perused the material available on record.
5. The grievance of the applicant is directed against the order of the learned Ex-officio Justice of Peace whereby direction was issued to the SHO to proceed under Section 154 Cr.P.C. on the application of respondent No.4.

6. It is well-settled that registration of FIR and determination whether the allegations disclose a cognizable offence primarily fall within the domain of the police authorities under the scheme of the Cr.P.C., and the jurisdiction under section 561-A Cr.P.C or that of the Justice of Peace is limited to ensuring that lawful complaints are not ignored or unlawfully withheld. The superior Courts have consistently held that where information discloses commission of a cognizable offence, the police is legally bound to act in accordance with law, while the Justice of Peace only ensures performance of such statutory duty.

7. In the present case, the learned counsel for the complainant as well as learned DPG have asserted that a cognizable offence is disclosed, whereas the applicant disputes the factual basis and relies upon a prior non-cognizable report.

8. These are matters which require factual determination by the SHO/Investigating Agency and cannot be adjudicated at this preliminary stage in proceedings under section 561-A Cr.P.C or in exercise of jurisdiction of Justice of Peace.

9. In these circumstances, no illegality or jurisdictional defect appears to have been committed in directing the SHO to proceed under Section 154 Cr.P.C., as the ultimate determination whether the case is fit for registration or otherwise rests with the police after independent application of mind in accordance with law.

10. Accordingly, the instant Criminal Miscellaneous Application is disposed of, with the direction that the SHO concerned shall record the statement of respondent No.4 and proceed strictly in accordance with law under Section 154 Cr.P.C., and if no cognizable offence is disclosed, appropriate legal course shall be adopted.

J U D G E