

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Misc. Application No.S-689 of 2025
(Abdul Khalique Buriro Vs The State & others)

Date	Order with signature of Judge
1.	For orders on office objections
2.	For orders on CMA No.6383/2025
3.	For hearing of main case.

30.06.2026
Mr. Riaz Ali Shaikh, advocate for the Applicant
Mr. Aftab Ahmed Shar, Additional P.G for the State.

Adnan-ul-Karim Memon, J:- The learned counsel for the applicant submits that the impugned order dated 24.10.2025 passed by the learned Additional Sessions Judge-I/Sukkur (acting as Justice of Peace) is illegal, without lawful authority and liable to be set aside, as the same has been passed in a mechanical manner without proper application of judicial mind. It is contended that the applicant had approached the learned Justice of Peace under Section 22-A & 22-B Cr.P.C. seeking direction for registration of FIR regarding the alleged illegal removal and theft of his water lift pumping machine installed at RD-91 Nara Canal, Rohri, along with allied agricultural equipment. The learned counsel submits that despite the availability of documentary evidence including the report of the Mukhtiarkar concerned as well as irrigation department verification (RUBKARI), the learned court failed to properly appreciate the material on record and wrongly observed that the applicant had not established the existence of the machinery. It is further argued that the facts on record clearly demonstrate that the proposed accused persons forcibly removed the applicant’s water lift machine, damaged the watercourse, and also extended criminal intimidation and death threats at gunpoint, thereby attracting offences under Sections 378, 379, 430, 447, 148, 149 and 506(2) PPC. Despite this, the police unlawfully declined to register the FIR under influence of the respondents, compelling the applicant to seek judicial intervention. Learned counsel submits that the Justice of Peace, instead of exercising jurisdiction within the settled parameters of Sections 22-A & 22-B Cr.P.C., entered into the merits of the case and disbelieved the applicant’s version at a premature stage, which is beyond the scope of such proceedings. It is further contended that the court

erroneously relied upon the police report while ignoring independent documentary evidence placed by the applicant, thereby resulting in miscarriage of justice. It is also argued that at this stage only a prima facie satisfaction regarding commission of cognizable offence is required, whereas the impugned order reflects deep appreciation of evidence, which is impermissible in law. The counsel submits that the applicant has been deprived of his legal right to have his statement recorded and to have the FIR registered in accordance with Section 154 Cr.P.C., which is a mandatory requirement when cognizable offences are disclosed. In view of the above, learned counsel submits that the impugned order suffers from jurisdictional defect, misreading of evidence, and non-application of judicial mind; hence the same is liable to be set aside with direction to the concerned police officer to register the FIR and proceed in accordance with law.

2. When confronted the legal position of the case in such circumstance of remedy, learned Counsel for the Applicant submits that applicant will avail the remedy provided under Section 200 Cr.P.C before the competent Court of law.

3. In view of the statement made by the learned counsel for the applicant that the applicant intends to avail the remedy under Section 200 Cr.P.C. before the competent Court and does not press the instant Criminal Miscellaneous Application.

5. Accordingly, the instant Cr. Misc. Application is dismissed as not pressed along with all pending applications. However, it is clarified that the dismissal of this application shall not prejudice the rights of the applicant to pursue his remedy before the appropriate forum in accordance with law, subject to all just exceptions.

J U D G E