

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Misc. Application No.S-320 of 2026
(Zulfiqar Ali Mahar Vs The State & others)

Date of hearing	Order with signature of Judge.
-----------------	--------------------------------

Fresh Case

- 1. For hearing of MA No. 2998/2026 (Stay)
- 2. For hearing of main case.

Date of hearing and order 30-06-2026

Mr. Riaz Ali Shaikh, Advocate for applicant.
Mr. Achar Khan Gabol, Advocate for respondent No.4.
Mr. Aftab Ahmed Shar, Additional P.G for the State.

O R D E R.

Adnan-ul-Karim Memon, J:- Applicant has prayed that the impugned order dated 22.04.2026 be set aside and the instant application under Section 561-A Cr.P.C. be allowed.

2. Learned counsel for the applicant, while challenging the impugned order dated 22.04.2026 passed by the learned Additional Sessions Judge-IV/Ex-Officio Justice of Peace, Khairpur, in Cr. Misc. Application No. 983/2026 under Sections 22-A & 22-B Cr.P.C., contended that the same is against law and facts and suffers from misreading and non-reading of the material available on record. It was submitted that the learned Justice of Peace has allowed the respondent’s application and directed the SHO PS Piryaloi to record the statement of the complainant and proceed in terms of Section 154 Cr.P.C. without properly appreciating the police reports and other relevant record placed before the Court. According to learned counsel, the police had already submitted reports denying the occurrence and stating that no such incident had taken place, yet the learned Court proceeded mechanically and hastily without application of judicial mind. It was further argued that the allegations leveled by respondent No.4 were false, frivolous, and mala fide, having been instituted with ulterior motives to harass and pressurize police officials. Learned counsel contended that the respondent’s version was not supported by any independent corroboration and was further contradicted by the record, particularly in view of the fact that the husband and son of the complainant were involved in serious

criminal cases registered at different police stations, thus indicating a motive to falsely implicate the applicant party. It was also submitted that the respondent had not approached the Court with clean hands and had concealed material facts, thereby disentitling her from any discretionary relief under Sections 22-A & 22-B Cr.P.C. Learned counsel maintained that the learned Justice of Peace failed to consider the settled principles governing the jurisdiction under Section 22-A Cr.P.C., which only permits examination whether the information discloses a cognizable offence and does not authorize determination of veracity of allegations. On these grounds, it was prayed that the impugned order dated 22.04.2026 be set aside and the instant application under Section 561-A Cr.P.C. be allowed.

3. Learned counsel for the private respondents, while opposing the instant proceedings, submitted that the impugned order dated 22.04.2026 passed by the learned Additional Sessions Judge-IV/Ex-Officio Justice of Peace, Khairpur, is well-reasoned, lawful, and does not suffer from any illegality or jurisdictional defect. It was contended that the respondent No.4 had approached the learned Justice of Peace with the specific allegation that on 02.03.2026 at about 04:00 a.m., armed persons including police officials forcibly entered her house, misbehaved with her, committed criminal trespass, and looted valuable articles including gold ornaments, cash, important documents, licensed weapons, and electronic items. It was further argued that the applicant and his family members, being present at the spot, were eye-witnesses to the incident and had specifically nominated the accused persons. Learned counsel submitted that in view of the above allegations, the learned Justice of Peace rightly found that the information disclosed a cognizable offence and therefore correctly directed the SHO concerned to record the statement of the complainant and proceed in accordance with Section 154 Cr.P.C. It was emphasized that at this stage, the Court is only required to see whether a cognizable offence is made out on the face of the record, and it is not permissible to conduct a mini-trial or to examine the veracity of the allegations. It was further argued that the police reports relied upon by the applicants do not carry conclusive evidentiary value at the stage of registration of FIR, and the truth or falsity of the allegations can only be determined during investigation. Learned counsel maintained that the applicant's plea

regarding mala fide intention is misconceived and premature, as such questions cannot be adjudicated at the FIR registration stage. It was also submitted that the allegations raised in the application clearly fall within the ambit of cognizable offences under the PPC, and the learned Justice of Peace has exercised jurisdiction strictly in accordance with law laid down by the Hon'ble Supreme Court, particularly the principle that Ex-Officio Justice of Peace is only empowered to direct registration of FIR where cognizable offence is disclosed. On these grounds, learned counsel prayed for dismissal of the instant application under Section 561-A Cr.P.C. and for maintaining the impugned order in the interest of justice.

4. Learned APG has supported the impugned order and prayed for dismissal of the application.

5. I have heard the learned counsel for the parties and perused the record with their assistance.

6. The core controversy in the present application under Section 561-A Cr.P.C. is whether the learned Ex-Officio Justice of Peace was justified in directing registration of FIR under Section 154 Cr.P.C. based on the allegations disclosed in the application under Sections 22-A & 22-B Cr.P.C.

7. It is well-settled law that at the stage of proceedings under Section 22-A & 22-B Cr.P.C., the Ex-Officio Justice of Peace is not required to conduct a detailed inquiry into the veracity, truthfulness, or evidentiary value of the allegations. His jurisdiction is confined only to the extent of examining whether the information discloses commission of a cognizable offence. If such ingredients are disclosed on the face of record, the direction for registration of FIR is fully justified.

8. It is well settled that the Ex-Officio Justice of Peace cannot delve into the truth or falsity of the allegations and is only empowered to ensure that cognizable offence, if disclosed, is reported and investigated in accordance with law. Similarly, the function of police and investigating agency commences after registration of FIR, and pre-trial adjudication of facts at the stage of FIR registration is not permissible.

9. In the present case, the contents of the application prima-facie disclose allegations of house trespass, armed entry, robbery,

misappropriation of valuables, and use of force by the nominated accused persons, which on their face squarely fall within the ambit of cognizable offences under the PPC. Whether the allegations are ultimately true or false is a question of fact, which can only be determined during investigation under Chapter XIV Cr.P.C., and not at the stage of registration of FIR. However, SHO shall record the statement of the complainant as per law.

10. The contention of the learned counsel for the applicant that the learned Justice of Peace ignored the police reports does not advance the case of the applicant, as it is a settled principle of law that police opinion or reports cannot override the statutory obligation under Section 154 Cr.P.C. once a cognizable offence is disclosed. Moreover, plea of mala fide or previous enmity is also a matter of defence, which cannot be adjudicated at this preliminary stage.

11. It is further noted that the jurisdiction under Section 561-A Cr.P.C. is of an exceptional nature and is to be exercised sparingly, only to prevent abuse of process of law or to secure the ends of justice. In the present case, no jurisdictional illegality, material irregularity, or perversity in the impugned order has been pointed out, which may warrant interference by this Court.

12. Resultantly, the impugned order dated 22.04.2026 passed by the learned Additional Sessions Judge-IV/Ex-Officio Justice of Peace, Khairpur, being well-reasoned, lawful, and in accordance with settled principles of law, does not call for any interference.

13. Accordingly, the instant application under Section 561-A Cr.P.C. is dismissed, and the impugned order is maintained. However, the DIGP Sukkur shall inquire departmentally; if the delinquent officials are found guilty based on the allegation, departmental action shall be taken, after hearing them, within three weeks.

Copy of the order be communicated to all concerned for compliance in time.

J U D G E