

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Misc: Application No.S-168 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection (s)
2. For hearing of main case

11.05.2026

Ms.Rehana Nazir Gujjar, Advocate for applicant
Mr.Ayaz Ali Laghari, Advocate for respondent No.1
Mr.Shahid Shaikh, Additional P.G for the State a/w Insp.
Fahad Aarbani, SHO PS Sultanabad, Tando Allahyar

Applicant Dhani w/o Satram, is aggrieved by the impugned order dated 09.03.2026, passed by the II-Additional Sessions Judge/Ex-Officio Justice of Peace, Tando Allahyar in Crl. M.A No.156/2026, dismissing her application as being a civil dispute.

Counsel for the applicant contends that as per Crl. Misc: Application filed by the applicant and particular Paragraph-5 of the said application, which she had supported by contemporaneous evidence in terms of Photographs, which are also attached and were available before the Ex-Officio Justice of Peace, there was sufficient information for taking further action. However, the learned Ex-Officio Justice of Peace had her application.

Counsel for the proposed accused/respondent submits that the applicant has been lodging complaints with police authorities from time to time and that there has been no illegality on the part of the proposed accused/respondents No.1 and 2. Concerning, the wall, he contends it fall was primarily due to rains.

Heard learned counsel. I have gone through the impugned order dated 09.03.2026, however as per law any person who has information of an offence having been committed is entitled under the law to provide such information to the Police Station. Once such information is provided it is upto the police officer to determine whether any offence is revealed and if an offence is revealed whether

it is cognizable or a non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officers to proceed in either situation, as well as the situation where false information has been provided. In such circumstances, the concerned S.H.O of Police Station is directed to record the complainant's statement. However, if a case is made out for registration of an FIR, the proposed accused should not be arrested unless the I.O collects corroborating evidence against them with regard to occurrence of alleged incident. Alternatively, if the case is found to be false during the investigation, proceedings under Section 182 PPC may be initiated against the applicant.

Given the above, the impugned order dated 09.03.2026 is set-aside and the Criminal Miscellaneous Application is **disposed of** in the above terms.

JUDGE

AHSAN K. ABRO