

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Misc: Application No.S-232 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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11.05.2026

Mr.Muhammad Saleem Laghari, Advocate for applicants
Mr.Shahid Shaikh, Additional P.G for the State

The report received from the S.S.P Jamshoro, is taken on record.
Mr.Asif Gul Bhatti, Advocate files Vakalatnama on behalf of
respondent No.3, which is taken on record.

This Criminal Misc: Application has been filed by two applicants
out of whom namely Farooque Hussain (one of the proposed accused
No.2) is the blood brother of the complainant/respondent No.3
Mst.Naila Ayaz. Farooque Hussain and co-applicant Sheeraz Ali
(proposed accused No.1) are aggrieved by the impugned order dated
27.04.2026, passed by the Sessions Judge/Ex-Officio Justice of Peace,
Jamshoro.

Heard learned counsel for the applicant, respondent No.3, as
well as the learned Additional P.G.

The scope of powers exercised by the Ex-Officio Justice of Peace
is limited. The impugned order dated 27.04.2026 has been passed
based on material available on record. The forum of the Ex-Officio
Justice of Peace is not empowered to conduct either an inquiry or an
investigation. I do not find any ground to interfere with the impugned
order except that it directs registration of FIR prior to recording of
statement of the complainant, while mere recording of a statement
does not amount to the definite lodgment of an FIR (2024 SCMR 985;
2024 SCMR 1123); however, insofar as the direction for registration of
an FIR against the proposed accused is concerned, such a matter
squarely falls within the domain of the police authority. To this extent
i.e, the direction for registration of FIR in the impugned order is
contrary to law. Accordingly, the impugned order is set aside. The

police authority is directed to record the statement of respondent No.3 and act in accordance with law. Given the above, the Criminal Miscellaneous Application is **disposed of** in above terms.

JUDGE

AHSAN K. ABRO