

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Miscellaneous Application No.S-277 of 2026.
(Shoukat Ali vs The State and others)

Date	Order with the signature of the Judge
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1. For orders on CMA No.2534/2026
2. For orders on CMA No.2535/2026
3. For the hearing of the main case.

23.04.2026.

Ms. Nayab Akhtar Memon, Advocate for the Applicant

1. Granted.
2. Granted, subject to all just exceptions.
3. Through the instant application, the applicant has assailed the order passed by the learned Justice of Peace, whereby the application filed under Sections 22-A and 22-B, Cr.P.C., was dismissed.

The applicant had approached the learned Justice of Peace under Sections 22-A and 22-B, Cr.P.C., alleging that his son namely Faisal @ Bisharat Ali Thebo was forcibly and illegally arrested by the police. On the other hand, the police officials submitted their report before the learned Justice of Peace stating that the son of the applicant was neither illegally arrested nor unlawfully detained; rather, he was found involved in a case relating to contraband substances, and FIR No. 46 of 2026 was duly registered against him under the relevant law about Gutka/Manpuri offences. It was further stated that another son of the applicant, namely Samiullah, is also involved in the same series of offences, against whom an FIR has also been registered.

Learned counsel for the applicant submits that the applicant has a statutory right to have his statement recorded under Section 154, Cr.P.C., and in case, after due

investigation, the allegations are found to be false, remedies under the law are available. It is further contended that the applicant is a businessman engaged in the goods transport business and owns immovable property. It is argued that the police have falsely registered an FIR against his son on the allegation of involvement in the Gutka selling. It is further submitted that the son of the applicant was arrested from his shop and that a video recording of the incident is also available on record. She contends that the impugned order has been passed in a hurried manner without proper appreciation of the material available on record; hence, the same is liable to be set aside with direction to the concerned SHO to record the applicant's statement under Section 154, Cr.P.C.

Arguments heard. Record perused.

It is pertinent to observe that an FIR against the son of the applicant was registered and the matter is under investigation, the determination of its genuineness falls within the exclusive domain of the Investigating Agency. This Court, while exercising jurisdiction under section 561-A Cr. P.C. may not ordinarily interfere in the process of investigation, unless a case of mala fide, jurisdictional defect, or patent illegality is made out. In the present case, the record reveals that the alleged detainee is nominated in a criminal case relating to contraband substances, and therefore, the allegation of illegal arrest does not, at this stage, appear to be substantiated.

It is further observed that proceedings under Sections 22-A and 22-B, Cr.P.C., are meant to provide a remedy in genuine cases of grievance and are not to be invoked for settling personal scores or to pressurize law enforcement agencies. The learned Justice of Peace is required to exercise judicial discretion and apply independent mind while

scrutinizing such applications, as emphasized by the Honourable Supreme Court in ***Munawar Alam Khan v. Qurban Ali Malano and others (2024 SCMR 985)***, wherein it has been held that orders under Sections 22-A and 22-B, Cr.P.C. must not be passed in a mechanical manner, but after proper judicial scrutiny of the material available on record. Further Reliance is also placed on ***Imtiaz Ahmed Cheema, SHO v. SHO Police Station Daharki, Ghotki and others (2010 YLR 189)***

The purpose of judicial scrutiny is to ensure that the remedy under Sections 22-A and 22-B, Cr.P.C. is not misused for harassment of individuals or settlement of personal vendettas under the guise of seeking justice.

Accordingly, and in view of the foregoing facts and circumstances, the instant application, being devoid of merit, is hereby dismissed along with all pending application(s).

JUDGE