

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Misc. Application No.S-124 of 2026

Applicant: 1. Mushtaque Ali son of Muhammad Panah Gopang
2. Zameer Ahmed son of Muhammad Essa Labano
through Mr. Mazhar Ali Bhutto, Advocate.

Respondents: The State Through Mr. Sardar Ali Solangi, Deputy
Prosecutor General, Sindh.

Respondent No.3 Ali Akbar son of Haroon Mirbahar
Through Mr. Asif Ali Sandilo, Advocate.

Date of hearing: 18.06.2026

Date of Order: 18.06.2026

ORDER

RIAZAT ALI SAHAR, J.- Through this Criminal Miscellaneous Application, the applicants (police officials of Police Station Waris Dino Machi) have assailed the Order dated 24.04.2026, rendered by IV-Additional Sessions Judge/Ex-Officio Justice of Peace, Larkana in Criminal Miscellaneous Application No.652/2026 (*Re-Ali Akber v/s. S.H.O. P.S. Waleed and others*), whereby the application under sections 22-A (6)(i) Cr.P.C. filed by Respondent No.3 was allowed and the S.H.O. P.S. Waleed was directed to register the F.I.R.

2. Learned counsel for the applicants contended that the allegations levelled against the applicants, who are police officials, are false and baseless. He submitted that respondent No.3 had filed an application under Section 22-A(6)(i), Cr.P.C. before the learned Justice of Peace, who allowed the same without properly appreciating the material available on record, particularly the fact that one of the accused nominated in Crime No.08 of 2026, registered at Police Station, Waris Dino Machi for offence under Sections 392 and 34, P.P.C. was closed relative of respondent No.3 (the applicant before the trial Court). He further argued that, while passing the impugned order, the learned Justice of Peace acted in excess of jurisdiction and failed to apply judicial mind to the relevant facts and circumstances of the case. He, therefore, prayed that the impugned order be declared illegal, without lawful authority, and of no legal effect.

3. Learned Deputy Prosecutor General, Sindh, as well as learned counsel for respondent No.3, vehemently opposed the instant Criminal Miscellaneous Application and supported the impugned order. They contended that the learned Justice of Peace, after duly examining the contents of the application, the relevant record, and the material placed before him, had passed the impugned order strictly in accordance with law. They further submitted that the impugned order does not suffer from any legal infirmity, jurisdictional defect, or material irregularity warranting interference by this Court.

4. Heard learned counsel for the applicants, learned D.P.G as well as learned counsel for respondent No.3. and perused the material available on record with their able assistance.

5. Record reflects that in pursuance of order dated 01.06.2026, an enquiry was conducted by S.S.P. Larkana wherein it demonstrated that the family of Respondent No.3 is involved in Crime No.08/2026, registered at Police Station Waris Dino Machi for offence under sections 392, 34 P.P.C, wherein Jameel Ahmed and Shahzad Mirani were shown nominated accused persons. Jameel Ahmed was arrested by the Ghour Pur Police in a separate criminal case for recovery of unlicensed weapon; however, Shahzad Mirani is required to be arrested. Therefore, in order to exert pressure upon the police, the respondent party filed application under section 22-A/B Cr.P.C and sought directions from the learned Justice of Peace for lodgment of F.I.R. with malafide intention.

6. Accordingly, the instant Criminal Miscellaneous Application is allowed. Resultantly, the impugned order dated 24.04.2026, passed by learned ex-officio Justice of Peace, Larkana is hereby set aside and recalled. However, respondent No.3 is set at liberty to file Direct Complaint on the basis of tangible material, if so desired.

J U D G E

Manzoor