

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Misc. Application No.683 of 2026

Applicant : Raja Imran Khan Affandi S/o Raja Basharat
Khan Affandi,
Through Mr. Munif Jan, Advocate.

Respondent No.5 : Muhammad Khaleeq S/o Shaikh Abdul Qadir,
Through Mr. Amir Nawaz Warraich, Advocate

Respondent No.1-4. : The State & others,
Through Mr. Qamaruddin Nohri, Addl. P.G.,
Sindh.

Date of hearing : 06.10.2026.

Date of order : 21.10.2026.

ORDER

MIRAN MUHAMMAD SHAH, J. Through the instant Criminal Miscellaneous Application No. 683 of 2026, the applicant, one of the proposed accused, has challenged the order dated 22.07.2026, passed by the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Karachi East, in Criminal Miscellaneous Application No. 2394 of 2026 (also referred to as No. 2374 of 2026), titled *Muhammad Khaleeq v. The D.I.G. East and others*, whereby the application filed by Respondent No. 5 under Sections 22-A and 22-B Cr.P.C. was allowed, with directions to the concerned SHO to treat the complainant's application as his statement under Section 154 Cr.P.C. and register an FIR if a cognizable offence was made out. The applicant seeks setting aside of the impugned order and a direction to the SHO, Police Station Aziz Bhatti, Karachi, not to harass him unlawfully or implicate him in a false case.

2. The relevant facts are that Respondent No. 5, Muhammad Khaleeq, alleged that on 25.04.2026, at about 1820 hours, his son, Shaikh Muhammad Hammad, went to Essa Nagri, where some persons travelling in a Toyota Hiace bearing registration No. JF-2599 attempted to rob him and beat him when he resisted. His son's friend, Shahryar, subsequently arrived with a licensed pistol, which the deceased allegedly took and used to fire at the assailants. The complainant alleged that the police arrived at the spot and fired upon his son, who later succumbed to his injuries. He further alleged that the police obstructed the transportation of the injured person to the

hospital and subsequently arrested Shahryar. The complainant claimed to have approached the SHO on 29.04.2026 but received no satisfactory response.

3. Conversely, according to the police report, the deceased created a disturbance at Essa Nagri Graveyard and fired approximately twelve to thirteen shots indiscriminately with a pistol brought by his associate, Shehryar Saleem, in a grey Honda Vezel bearing registration No. BL-1224. Upon reaching the spot, the police party allegedly found the deceased pointing the firearm at Constable Aitezaz Ahmed. The police maintained that Constable Aitezaz Ahmed, acting on the directions of the applicant, ASI Raja Imran Affandi, fired in self-defence after issuing warnings. The deceased was subsequently taken away by his companion but died during medical treatment. The police recovered seven empty 9mm cartridge cases and registered FIR No. 268 of 2026 under Sections 353, 324, 186, 427 and 34 PPC, FIR No. 269 of 2026 under Section 23(i)(a) of the Sindh Arms Act, 2013, and FIR No. 270 of 2026 under Section 24 of the said Act. The police report also refers to a post-mortem examination conducted at Abbasi Shaheed Hospital and CCTV footage submitted with the relevant documents. The record further shows that, on 22.05.2026, the learned Court directed the Inspector General of Police, Sindh, to ensure a proper inquiry. In compliance, the DIG, Crime and Investigation, Karachi East, submitted an inquiry report. Subsequently, on 22.07.2026, the learned Ex-Officio Justice of Peace allowed the complainant's application and issued the directions now under challenge.

4. The learned counsel for the applicant argued that the impugned order is illegal and contrary to the facts and law. He submitted that three FIRs had already been registered regarding the occurrence and that the complainant was seeking registration of a second FIR on the basis of a counter-version of the same incident. Such a course, according to counsel, was contrary to the principles laid down by the Honourable Supreme Court in *Mst. Sughran Bibi v. The State*, PLD 2018 SC 595. He further argued that the learned Ex-Officio Justice of Peace failed to consider the existing FIRs, the police report, and the inquiry proceedings, and passed the impugned order without sufficient reasons, contrary to Section 24-A of the General Clauses Act, 1897. The learned counsel maintained that the police officials were performing their lawful duties to maintain public order and that the deceased had fired indiscriminately and threatened the police party. He

contended that the police had no previous enmity with the deceased and that the firing was intended to protect the public. He further asserted that the deceased was shot in the leg and that his death resulted from delayed medical treatment. On these grounds, he prayed that the impugned order be set aside.

5. Conversely, learned counsel for Respondent No. 5 maintained that the complainant's son died as a result of police firing and that the registration of FIRs against the deceased and his companion did not resolve the allegations against the police officials. He contended that his complaints had not been properly addressed and that the inquiry failed to examine the matter satisfactorily. He therefore sought a fair and impartial investigation into the circumstances of his son's death and the alleged role of the police officials.

6. The learned Addl. P.G., Sindh has argued that the learned trial Court has rightly passed the order and no any interference is required.

7. I have heard the learned counsel for the parties at length and have gone through the material available on the court file.

8. It is undoubtedly a case involving alleged police high-handedness, which resulted in the death of a person. A human life was admittedly lost as a result of police firing. The applicant in the present matter, ASI Raja Imran Khan, allegedly directed his subordinate, Constable Aitezaz Ahmed, to fire upon the deceased. Both police officials were present at the spot during the evening hours, as they belonged to Police Station Aziz Bhatti, Karachi.

9. No law authorizes law-enforcement officials to take the lives of citizens arbitrarily, even where a person is suspected of being involved in criminal activity. Police officials are not vested with an unrestricted authority to open fire upon any person merely on the allegation that such person is creating a disturbance or engaging in unlawful activity, thereby endangering the lives of innocent members of the public. An alleged offender must be dealt with, in accordance with the law and the prescribed procedure under the Code of Criminal Procedure and the applicable Police Rules.

10. In a situation involving a disturbance, where the available police personnel are insufficient to control the situation, additional police force must be called to restore order. Police officials receive appropriate training before joining the force to enable them to handle such situations, apprehend alleged offenders, maintain public order, and complete the requisite legal formalities. The arbitrary use of firearms cannot be justified merely on the ground that a person is allegedly creating

a disturbance or placing the lives of other persons at risk. The use of force, particularly lethal force, must be justified in accordance with law and the circumstances of the case. Although the constables, in their statements, claimed that they had acted in self-defence and under the directions of their superior officers present at the spot, the applicant has nowhere denied the allegation that he was the person who ordered the firing upon the deceased. Consequently, an FIR was lodged against two persons, one of whom was the deceased, who succumbed to the injuries sustained as a result of police firing, while the other was his friend, Shaharyar, who was also nominated as a co-accused. FIR No. 268 of 2026, FIR No. 269 of 2026, and FIR No. 270 of 2026 were registered under different provisions of the Pakistan Penal Code (PPC) and the applicable arms law against the deceased and the co-accused, Shaharyar. The complainant in all these cases was Raja Imran Khan, the applicant in the present Criminal Miscellaneous Application.

11. Subsequently, the police reached the hospital, where one of the accused had succumbed to the injuries caused by police firing and his body was lying in the hospital mortuary, whereas his co-accused friend was arrested from the hospital. The circumstances of the incident raise serious concerns regarding the alleged blatant violation of law by police officials, who are entrusted with the responsibility of protecting the citizens of this country and not of arbitrarily taking their lives. In these circumstances, Respondent No. 5/complainant was left with no alternative but to approach the learned Ex-Officio Justice of Peace for the redressal of his grievance. It is evident from the court record that the applicant himself has referred to the version of the complainant/respondent and that applications had been submitted to the concerned SHO, pursuant to which routine inquiries were conducted.

12. There can be no denial of the fact that a complainant may face considerable difficulty in obtaining impartial relief from the higher police authorities when allegations of a serious offence are levelled against police officials who were acting in uniform and purportedly discharging their official duties. In the present case, the circumstances indicate a similar situation. The alleged act of firing upon a person, resulting in his death, prima facie raises serious questions regarding the commission of an offence punishable under Section 302 PPC, subject to the evidence and the applicable legal requirements. Despite the inquiry having been conducted pursuant to directions issued by the Ex-Officio Justice of Peace to the Inspector General of Police, Sindh, the inquiry appears to have been conducted in a manner that raises serious questions regarding its impartiality and adequacy. The inquiry was undertaken by a senior police officer of the rank of Deputy Inspector General of Police. However, no satisfactory conclusion was placed on the record. Instead, the investigation appears to have concluded that the allegations against the police officials could not be substantiated, whereupon the instant application came to be filed.

13. Such a report, in the circumstances of the case, appears to be no more than an exercise in futility and an attempt to create an impression of compliance before the Court. A report of this nature, submitted in proceedings before an Ex-Officio Justice of Peace exercising jurisdiction under Sections 22-A and 22-B of the Code of Criminal Procedure, cannot be accepted without proper scrutiny. Its conclusions cannot be relied upon unless they are supported by credible material and a fair, impartial, and legally sustainable investigation. Any attempt to mislead the Court or circumvent the provisions of the criminal law must be viewed seriously.

14. In fact, the learned Ex-Officio Justice of Peace ought to have examined the conduct of the inquiry officer and the manner in which the report was prepared and submitted. The conclusions drawn in the report, if accepted without scrutiny, would effectively provide justification for the use of lethal force by police officials against persons in public places without adequately examining the legality and necessity of such action. No reliable CCTV footage was produced before the Court, nor does the available material demonstrate that any meaningful effort was made by the police officials to apprehend the deceased or his friend without resorting to the use of firearms. The inquiry report appears to portray the incident as though a battlefield situation had arisen in which the police and the alleged offenders were engaged in a confrontation requiring the surrender of the latter. The material, however, does not establish that the situation was of such a nature as to justify the use of lethal force. The incident, as alleged, involved the deceased and his friend purportedly creating a disturbance, causing harassment and nuisance, and generating fear among members of the public present at the spot. There is nothing in the material presently available to establish that an anti-terrorism operation was underway or that the alleged offenders had committed any heinous offence at the scene that would, by itself, justify the use of lethal force. Nevertheless, the exercise of police authority appears to have been excessive, and the inquiry officer's report appears to have provided a justification for the conduct of the police officials without adequately addressing these concerns.

15. However, I do not find it appropriate to set aside the impugned order in its entirety. I am unable to uphold it *in toto*, particularly because the principles laid down by the Hon'ble Supreme Court in *Mst. Sugran Bibi v. The State*, reported as PLD 2018 SC 595, were not duly considered by the learned Ex-Officio Justice of Peace.

16. The learned Ex-Officio Justice of Peace failed to take into consideration the fact that an FIR concerning the same incident had already been registered against the deceased and his co-accused friend at the instance of the applicant and other police officials. The said FIR, bearing No. 268 of 2026, was registered under Sections 353, 324, 186, 427 and 34 PPC. The question whether the said FIR, or the

subsequent investigation arising therefrom, requires further action in respect of the death of the deceased must be examined in accordance with the law and the principles laid down by the Hon'ble Supreme Court.

17. In *Mst. Sugran Bibi v. The State*, PLD 2018 SC 595, the Hon'ble Supreme Court considered the legal principles governing the registration of a second FIR in respect of the same occurrence. In view of the said judgment and the circumstances of the present case, the direction issued by the learned Ex-Officio Justice of Peace to the concerned SHO to record the statement of the complainant/respondent and register an FIR, if a cognizable offence was made out, cannot be sustained in its present form.

18. Accordingly, while upholding the impugned order to the extent of the observations made by the learned Court below, the portion which directs concerned SHO to record the statement of the complainant/respondent and register a fresh FIR, if a case is made out, is hereby set aside. However, the concerned SHO is strictly directed by this Court to record the statement of Respondent No. 5 and to take on record all evidence produced by him in support of his allegations. Thereafter, upon obtaining and duly considering the version of the complainant/respondent and evaluating the evidence available on record, a fresh challan shall be prepared and submitted before the Court of the concerned Magistrate in accordance with law, without extending any undue favour to the applicant or to any other police officials involved in the matter, including his colleagues. The entire process of investigation shall be monitored by the Inspector General of Police, Sindh, and the Additional Inspector General of Police, Karachi. For this purpose, the Additional Inspector General of Police, Karachi, shall appoint a Deputy Superintendent of Police to supervise and ensure the fair and impartial conduct of the investigation. The said officer shall remain associated with the investigation and ensure that all relevant evidence is collected and duly recorded, and remain present during the recording of the evidence of the complainant/respondent. The said Deputy Superintendent of Police, acting in the capacity assigned to him for the purposes of the investigation, shall also personally appear before the Court of the concerned Magistrate at the time of submission of the fresh challan and ensure that the investigation has been conducted fairly, impartially, and in accordance with law. The learned Magistrate is further directed to ensure that the fresh challan is scrutinized in accordance with the applicable provisions of law and that no procedural or legal irregularity is permitted to vitiate the proceedings. The learned Magistrate shall pass an appropriate order in accordance with law after considering the material placed before the Court. In addition to the aforesaid directions, the Inspector General of Police, Sindh, is directed to conduct a separate inquiry into the conduct of the two police officials concerned, including the applicant and his subordinate staff who were present at

the time of the incident. The inquiry shall specifically examine whether their conduct on the relevant date and at the relevant time, within the territorial jurisdiction of Police Station Aziz Bhatti, Karachi, was in accordance with law, the applicable Police Rules, and the prescribed procedures governing the use of force and firearms. The inquiry shall be conducted fairly and impartially, and appropriate action shall be taken in accordance with law if any misconduct, negligence, abuse of authority, or other unlawful conduct is established.

19. In view of the foregoing observations and directions, the present Criminal Miscellaneous Application No. 683 of 2026 stands disposed of.

Let the copy of this order be sent to Inspector General of Police, Sindh and Additional Inspector General of Police, Karachi Sindh through the office of Prosecutor General, Sindh and process server of this Court.

JUDGE

Faheem/PA

