

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Miscellaneous Application No.S-547 of 2026

Applicant: Mst.Rukhsana w/o Ghulam Qadir Mallah
Through Mr.Mohsin Raza Gopang, Advocate

The State: Through Mr.Khalid Hussain Lakho, D.P.G a/w Insp.
[Respondents No.1, 2 & 3] Tofique Ahmed, on behalf of SSP, Jamshoro SIP
Munawar Lashari

Respodnent No.3: Shahnawaz Lund present in person

Date of Hearing: **21-10-2026**

Date of Order: **21-10-2026**

ORDER

MUHAMMAD HUMAYON KHAN-J, Through this application under section 561-A Cr.P.C., the applicant has impugned the order dated 17.07.2026 passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Jamshoro, in Criminal Miscellaneous Application No.1101 of 2026. She contends that her request for recording her statement and registration of an FIR against the proposed accused was not decided.

2. The applicant’s case is that police officials of Police Station Jamshoro took her son, Muzafar, from her house on 11.07.2026, demanded Rs.200,000/- for his release and, when she could not pay, falsely implicated him in Crime No.189 of 2026, registered on 13.07.2026 under section 9(1), clause 3-C, of the Sindh Control of Narcotic Substances Act, 2024, on an alleged recovery of 1,014 grams of charas. Her application under section 22-A(6), Cr.P.C., sought recording of her statement and protection from harassment. The learned Justice of Peace granted protection and disposed of the application.

3. Learned counsel for the applicant submits that the request to record her statement was left undecided, although the application and the material filed with it disclosed a cognizable offence.

4. Learned D.P.G. supports the impugned order, contending that the application was intended to put forward a counter-version to the narcotics case already registered.

5. The SSP, Jamshoro, has also filed a statement/report. It states that Crime No.189 of 2026 was registered against the applicant's son and that after investigation, a report under section 173, Cr.P.C., was submitted before the competent court. The report further refers to other criminal cases involving the applicant's son and members of his family and alleges that the present application was filed to pressurize the police and protect him from the pending proceedings. These assertions are part of the police report; they are not findings of this Court and no opinion is expressed on the merits of those cases.

6. Heard. Record perused.

7. The impugned order records that at the outset, learned counsel for the applicant confined the application before the learned Justice of Peace to the request for legal protection. That record has not been challenged by any affidavit or by an application seeking its correction. A statement made by counsel in the course of proceedings binds the party. Having confined the relief before the learned Justice of Peace, the applicant cannot now complain that the un-pressed request for registration of an FIR was left undecided. On this ground alone, no interference is warranted.

8. In any event, the allegations of unlawful detention, demand of money and false implication are, in substance, the applicant's version of the circumstances in which her son was arrested and the alleged recovery was made in Crime No.189 of 2026. In case of **Mst. Sughran Bibi v. The State (PLD 2018 SC 595)**, a larger Bench of the Honourable Supreme Court held that an FIR is no more than the first information about an occurrence; every further version of the same occurrence, by whomsoever brought forward, is to be recorded under section 161 Cr.P.C and investigated in the same case and no second FIR is to be registered for it. That case itself arose from an attempt to have a

second FIR registered against the police for the same occurrence and the attempt was turned down. The applicant's version therefore falls to be dealt with within Crime No.189 of 2026, through further investigation if that is found warranted or before the trial court, which is seized of the legality of the arrest and the alleged recovery. The police report's references to other cases do not determine the truth of the applicant's allegations.

9. The jurisdiction under Section 561-A, Cr.P.C, is not appellate in nature and is to be exercised sparingly. The applicant has shown no illegality or material irregularity in the impugned order calling for interference. The application is, accordingly **dismissed**. Nothing stated herein shall prejudice the proceedings in Crime No.189 of 2026 or be treated as an expression of opinion on the merits of the allegations made by either side.

JUDGE

AHSAN K. ABRO