ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constt. Petition No. D- 407 of 2026

(Jalaluddin Chandio V. P.O Sindh and others)

Date	**Order with signature of Judge**

1. For orders on office objection-A.
2. For hearing of MANo.1633 of 2026. S/A.
3. For hearing of main case.

Before:-

Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

10.11.2026.

Mr. Insaf Ali, Advocate for the Petitioner.
Mr. Riaz Hussain Khoso, Deputy Attorney General for Pakistan
Mr. Aitbar Ali Bullo, D.P.G.
Mr. Saeed Akbar Siyal, Assistant Advocate General, Sindh.
Mr. Asif Hussain Chandio, Advocate for SEPCO.

O R D E R

***Muhammad Osman Ali Hadi-J*:-** Through the instant Petition, the Petitioner has challenged First Information Report ("FIR") No.175 of 2026, which was filed against him under section 462-I of the Pakistan Penal Code (**"PPC"**).

In short, the Petitioner states that any action under section 462-I PPC, would be cognizable only *after* a complaint was made, with written reasons having been recorded by a duly authorized officer (not below the rank of Grade-17).

The Petitioner has placed reliance on section 462-O of the Pakistan Penal Code in support of his contentions.

Learned DAG, DPG, Astt. A. G and Counsel for the Respondents have controverted the assertions of the Petitioner's Counsel. They have referred to Section 190 of the Criminal Procedure Code 1898 and state that a Magistrate is empowered to take cognizance

of an offense, which was done and therefore no interference was required.

We have heard the learned Counsels and have gone through the material on record. Section 462-O PPC reads:

> **"462-O. Cognizance.** (1) The Court shall try an offence punishable under this Chapter.
>
> (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 or any other law for the time being in force, the Court shall not take cognizance of an offence under this Chapter except on a complaint made, with reasons to be recorded in writing along with full particulars of the offences committed under this Chapter, by duly authorized officer (not below Grade 17) of the Government or the distribution company, as the case may be**"**.

It specifically states that the Court "shall" not take cognizance of any offence under that Chapter (which would include an offence under section 462-I PPC under which the Petitioner has been charged) without a *complaint* being made. This would make it mandatory to first have a written *complaint*, since the word "shall" is printed, therefore removing any interpretation for leaving the prior complaint to be filed as optional.

It is trite law that where a statute provides for something to be done in a particular manner, the same must be done in that manner. In the instant case, section 462-O PPC is attracted upon a written complaint being supplied, which would include reasons. Particularly keeping in mind that this Chapter relates to ramifications under criminal law, which have a direct impact upon the life and liberty of a person, and therefore the same cannot be ignored or interpreted lightly. It appears clear that the provisions of section 462-O PPC need to be met and a written complaint submitted prior to filing of an FIR, which admittedly was not done in the instant matter.

Accordingly, we find that the said cognizance taken and lodging of the FIR was in violation of section 462-O of the PPC, and therefore,

the same is *ultra vires*, and the said FIR No. 175 of 2026 registered at Police Station Mehar, District Dadu is hereby stands quashed.

This Petition is allowed in the above terms.

JUDGE

JUDGE

S.Ashfaq/-