

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Application No.S-359 of 2025

(Abdul Khalique Vs. SSP Sukkur and others)

Applicant.

Abdul Khalique son of Rasool Bux : Through Mr. Alam Sher Khan Bozdar
Advocate.

Respondents:

1. Senior Superintendent of Police,
Sukkur.
2. Station House Officer,
Police Station Saleh Pat.
3. The State. : Through Mr. Shafi Muhammad
Mahar, DPG

Name of proposed accused : Through Ubedullah Malano

1. Muhammad Ibrahim son of
Haji Ramzan.
2. Maqsood son of Rab Nawaz.
3. Mukhtiar son of Imam Din.
4. Saddam son of Imam Din.
5. Ghulam Yaseen son of Imam Din.
6. Abdul Raheem son of Haji Dost.

All by caste Dool, R/O RD-91 PO Nara,
Taluka Saleh Pat district Sukkur.

Date of hearing : 28.07.2025.

Date of Order. : 28.07.2025.

Date of Reasons : 29.07.2025

ORDER.

Jawad Akbar Sarwana, J.: The Applicant-Abdul Khalique Buriro is aggrieved by the impugned Order dated 14.06.2025 passed by the Ex-Officio Justice of Peace, Sukkur in Cr. Misc. Appln. No.1845/2025 dismissing the said Application praying for lodgment of FIR embedded with orders to provide the Applicant police protection as per law and that such protection order not to prejudice any enquiry, investigation, judicial proceedings or other legal proceedings against the Applicant or any of his family members before any forum.

The subject matter of the dispute between the parties essentially concerns the flow of water from the water cross, which irrigates the lands of both parties. However, the aforesaid statement, which is mentioned in the impugned Order of the Ex-Officio Justice of Peace, is vehemently opposed by Applicant Counsel, who has alleged that the cause of action in this lis arises from criminal actions and the malafide intention of the proposed accused/private respondents as on 06.05.2025, articulated in paragraph 6 of the Application filed before the Ex-Officio Justice of Peace. Meanwhile, the Counsel for the accused/Respondents has submitted another Cr. Misc. Appln. No. 1245/2025 filed by the Applicant on 25.04.2025, praying that the proposed accused/Respondents be restrained from stealing electricity by way of a Kunda connection from the sanctioned electricity meter. He argued that the said Cr. Misc. Appln. was dismissed as withdrawn with permission to file afresh by the Ex-Official Justice of Peace Order dated 08.05.2025, and such conduct suggests that the Applicant is an alleged habitual litigator.

Heard Counsel. Based on arguments and documents available on record, the history between disputants revolves around water disputes. The disputes range from the intervention of the Irrigation Department to a High Court Petition filed in the year 2017 to the Applicant obtaining favourable Orders from the Courts in 2018 directing the concerned authorities to give water share from the private pumping machine for 72 hours to Criminal Complaints against the Assistant Executive Engineer SEDA in 2024, etc. All such matters, directly or indirectly accused the accused/Respondents of some mischief. As mentioned in the impugned Order, if the grievance of the Applicant against the proposed accused/Respondents was concerning alleged criminal actions which took place on 06.05.2025, mentioned in paragraph 6 of the Cr. Misc. Appln filed before the Ex Officio Justice of Peace, then the Applicant neither produced any medical evidence nor any other substantial proof with regard to sustaining any alleged injury, or the proposed accused issuing threats, etc. The Applicant brought nothing before the Ex-Officio Justice of Peace to trigger lodgment of FIR, and none is before this bench to intervene in the impugned Order. Indeed, this is the age of social media, where cellphones enable the instant recording of audio and visual content. Breach of law or otherwise is reduced to digital recording with the push of a button using an entry-level non-smartphone and uploaded online by users of such phones hailing from all strata of society. Indeed, sounds and video

images are documented and exchanged via Whatsapp, TikTok, Insta reels, etc. Even calls to police seeking immediate help can be made with a simple speed dial function. In the circumstances, no recording was available. There was simply no information, no recordings, no material, and no case was made out for this bench to set aside the well-reasoned Order passed by the Ex-Officio Justice of Peace.

Accordingly, on 28.07.2025, the impugned Order was upheld and the Cr. Misc Application was disposed of by this bench by a Short Order viz. that the incident of 06.05.2025, shall not come in the way of the Applicant exercising his right of liberty and to property if the same are put at risk by anyone as and when and if such situation arises in the future. The application was disposed of in the above terms.

The above are the reasons for the Short Order dated 28.07.2025.

J U D G E