

THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Applications No.512 of 2026

Applicant : Bux Ali @ Raja son of Bhawal Lakho
through Mr. Muhammad Yousuf Narejo
and Arfat Hussain Qureshi, Advocates

Respondents No.4 : Muhammad Ali son of Muhammad
Waryal Khashkheli
through Mr. Liaquat Ali Khashkheli,
advocate.

Respondent No.1 to 3: : The State
Through Mr. Muhammad Mohsin
Mangi, Assistant Prosecutor General,
Sindh

Criminal Misc. Applications No.570 of 2026

Applicant : Bux Ali @ Raja son of Bhawal Lakho
through Mr. Muhammad Yousuf Narejo
and Arfat Hussain Qureshi, Advocates

Respondents No.1 : Ashraf son of Pathan
through Mr. Liaquat Ali Khashkheli,
advocate.

Respondent No.2 & 3 : The State
Through Mr. Muhammad Mohsin
Mangi, Assistant Prosecutor General,
Sindh

Date of Hearing : 28.08.2026

Date of Decision : 03.09.2026

ORDER

Jan Ali Junejo, J.- Through this common Order, I intend to decide the instant Criminal Miscellaneous Applications, filed by the Applicants, calling in question the legality and propriety of the Orders dated 08.06.2026 and 20.06.2026 (hereinafter referred to as the “impugned orders”) passed by the learned 1st Additional Sessions Judge/ Ex-Officio Justice of Peace, Thatta, whereby, the Criminal Misc. Applications No.543 and 532 of 2026, filed by the respondents were allowed and the concerned S.H.O. was directed to record/ register the case in accordance with law.

2. Briefly stated, the facts emerging from Cr. Misc. Application No. 512/2026 that the applicant, ASI Bakhsh Ali Lakho, In-charge PP Bohara, has challenged the order dated 08.06.2026 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Thatta, whereby, on an application under Section 22-A(6), Cr.P.C. filed by respondent No.4,

the SHO was directed to record his statement under Section 154, Cr.P.C. for registration of an FIR against the applicant and other police officials and to entrust the investigation to a DSP. Respondent No.4 alleged that the applicant and other police officials, along with private persons, forcibly raided their houses, assaulted family members, committed robbery, abducted women, took away cattle and set houses on fire. The applicant, however, maintained that the police party had gone to Village Karmi Khaskheli during a raid against proclaimed offender Allah Bux, who, along with his associates, opened fire upon the police, injuring a constable, whereafter the police acted in self-defence and subsequently registered FIR No.115/2026 against the accused under the relevant provisions of PPC and ATA. The applicant contends that the impugned order directing registration of an FIR was passed without lawful justification and in excess of the jurisdiction vested under Section 22-A, Cr.P.C.

3. Briefly stated, the facts emerging from Cr. Misc. Application No. 570/2026 that Respondent No.1 filed an application under Section 22-A, Cr.P.C. alleging that the proposed accused, along with 4/5 unidentified armed persons, forcibly entered his house during the night of 21.05.2026, threatened the inmates, caused injuries to several persons and allegedly committed theft of Rs.2,00,000/- and one and half tola gold, while the police officials accompanying them allegedly resorted to aerial firing. The complainant further alleged that the police refused to issue medical treatment letters and failed to redress his grievance. On the basis of the allegations and material placed before it, the learned Additional Sessions Judge directed registration of an FIR against the present applicant. Aggrieved by the said order, the applicant has approached this Court, contending that the impugned direction is illegal, without lawful justification and amounts to abuse of the process of law.

4. Learned counsel for the applicants in both Cr. Misc. Applications contends that the impugned orders dated 08.06.2026 & 20.06.2026, respectively passed by the learned I/C Ex-Officio Justice of Peace/1st Additional Sessions Judge, Thatta, are illegal, arbitrary, contrary to law and facts, and have been passed without proper application of judicial mind; that the learned Court below failed to consider the inquiry report of the DSP Complaint Cell and the material available on record; that the allegations of respondent No.4 are highly exaggerated, improbable and unsupported by any independent or confidence-inspiring material, particularly in view of the alleged involvement of 50/60 police officials, 20 police mobiles and two Mazda trucks in the alleged occurrence; that the applicant and other police officials were performing their lawful duties to

apprehend proclaimed offender Allah Bux Khaskheli, against whom FIR No.120 of 2023 was registered and who had also been declared a proclaimed offender, while their movement was duly reflected in the Roznamcha; that on 22.05.2026, upon receiving information regarding his presence, the police party proceeded to apprehend him, but was attacked by the accused persons, resulting in firearm injuries to PC Riyaz Ahmed, whereafter FIR No.115 of 2026 was registered against the accused persons; that the present proceedings are therefore a counterblast, initiated with mala fide intention to pressurize the police and frustrate the arrest of proclaimed and absconding offenders; that the allegations of robbery, abduction and setting houses on fire are not supported by any medical, recovery, inspection, fire brigade or other independent corroborative material; that the learned Court below exceeded the limited scope of jurisdiction under Section 22-A(6), Cr.P.C. by entering into disputed questions of fact and virtually accepting the allegations without lawful inquiry, despite such matters requiring investigation and trial; that the impugned orders are further vitiated by misreading and non-reading of the material on record and failure to appreciate that the alleged acts were attributed to police officials in the course of their official duties; that, most importantly, the allegations now levelled by the respondents arise out of the same occurrence and transaction in respect of which FIR No.115 of 2026 had already been registered, and thus a second FIR could not lawfully be directed on the basis of a rival version of the same incident; in support thereof, learned counsel places reliance upon the judgment of the Honourable Supreme Court in **Mst. Sughran Bibi v. The State (PLD 2018 SC 595)**; hence, the impugned orders, being without lawful justification and having caused serious prejudice and harassment to the applicants, are liable to be set aside in exercise of the inherent jurisdiction of this Court under Section 561-A, Cr.P.C.

5. Conversely, learned Counsel appearing for the respondents, assisted by the learned Assistant Prosecutor General, Sindh has supported the impugned Orders and opposed the applications. It has been argued that the respondents disclosed commission of cognizable offences and, under Section 154, Cr.P.C, the S.H.O. was under a statutory obligation to record the information and proceed in accordance with law. It is, therefore, contended that the learned Ex-Officio Justice of Peace rightly exercised jurisdiction under Section 22-A, Cr.P.C., and no interference is warranted.

6. I have heard learned Counsel for the Parties and the learned Assistant Prosecutor General, Sindh and have carefully examined the material available on record.

7. The principal question requiring determination is **whether, in the circumstances of the present case, the learned Ex-Officio Justice of Peace was justified in directing registration of another FIR when an FIR had already been registered in respect of the same occurrence/transaction.**

8. Before examining the factual controversy, it would be appropriate to observe that the jurisdiction vested in an Ex-Officio Justice of Peace under Section 22-A(6), Cr.P.C. is undoubtedly important and is intended to ensure that the police perform their statutory duties in accordance with law. However, such jurisdiction is to be exercised within the framework of the law governing registration and investigation of criminal cases. The provision does not confer an unfettered authority to direct registration of a separate FIR where the law does not contemplate registration of a second FIR in respect of the same occurrence.

9. In the present case, it is not disputed that the applicants are police officials and that an occurrence took place between the police party and the respondent side. It is also not disputed that an FIR has already been registered in relation to the said occurrence, in which allegations have been levelled against the respondent party for having allegedly attacked the police party and caused injuries to a police constable. Thus, the existence of a previously registered FIR concerning the occurrence is a material and undisputed circumstance.

10. The allegations contained in the application moved by the respondents, though materially different in their nature and substance, admittedly relate to the **same episode, same place and substantially the same transaction.** The respondents seek to put forward their own version of the occurrence and attribute criminal acts to the police officials and private persons allegedly accompanying them.

11. The law on the question is no longer res integra. In **Mst. Sughran Bibi v. The State (PLD 2018 SC 595)**, the Honourable Supreme Court examined the question of registration of multiple FIRs arising out of the same occurrence and held, in substance, that once an FIR concerning a cognizable offence has been registered, subsequent information constituting another version of the same occurrence is not to be converted into a second FIR. Such subsequent version is required to be brought on the record and investigated as part of the same case. The principle is founded upon the statutory scheme of the Code of Criminal Procedure and the necessity of preventing multiplicity of criminal proceedings arising out of one and the same transaction.

12. The principle laid down by the Honourable Supreme Court is not that a person aggrieved by the manner in which an occurrence has been reported is remediless. On the contrary, the aggrieved person is entitled to place his or her version before the Investigating Officer, produce medical evidence and other material, identify the persons allegedly involved, and have the same investigated in accordance with law. A divergent or counter-version is thus not rendered ineffective merely because a separate FIR cannot be registered.

13. Applying the above principle to the facts of the present case, the respondents cannot be deprived of their right to have their version of the occurrence properly investigated. At the same time, however, the existence of an already registered FIR concerning the same occurrence constitutes a legal impediment to registration of another FIR merely on the basis of a counter-version of that very occurrence.

14. Consequently, the learned Ex-Officio Justice of Peace, while exercising jurisdiction under Section 22-A, Cr.P.C., ought to have considered the admitted circumstance that an FIR relating to the same occurrence had already been registered. The direction for registration of a fresh FIR, without addressing the effect of the previously registered FIR and the law declared by the Honourable Supreme Court in *Mst. Sughran Bibi* (supra), therefore, cannot be sustained.

15. It is, however, clarified that setting aside the impugned order shall not **operate to prejudice the respondents' right to have their version investigated**. The respondents shall be at liberty to approach the Investigating Officer of the already registered case and place before him their complete version, including the allegations regarding injuries, alleged removal of property, alleged damage to houses, alleged taking away of cattle and any other offence or circumstance which they claim occurred during the same transaction. The Investigating Officer shall record their statements in accordance with law, collect and consider the relevant documentary, medical and other evidence, and investigate the matter fairly, impartially and strictly in accordance with law. The Investigating Officer shall not disregard the respondents' version merely because they are accused in the already registered case.

16. It is further expected that the investigation shall not be conducted in a one-sided manner. The Investigating Officer shall examine **both versions of the occurrence** and shall determine, on the basis of the material collected during investigation, the role of each individual alleged to have participated in the occurrence. If any allegation discloses

commission of an offence, the same shall be dealt with in accordance with the provisions of law and the applicable procedure.

17. For the foregoing reasons, I am of the considered view that the impugned Order dated **08.06.2026** and **20.06.2026**, passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Thatta, directing registration of a separate FIR in respect of an occurrence for which an FIR had already been registered, is not sustainable in law and is accordingly **set aside**.

18. The instant Criminal Miscellaneous Applications are, therefore, **allowed**. The concerned Investigating Officer is directed to receive and record the version/statements of the respondents, examine the allegations raised by them, collect the relevant evidence, including medical and documentary material, and conduct a fair, transparent and impartial investigation in accordance with law. The respondents shall cooperate with the investigation and shall avail themselves of the remedy available to them under the law.

19. It is clarified that the observations made herein are confined solely to the question of maintainability of a second FIR arising out of the same occurrence and shall not be construed as an expression of opinion on the merits of the allegations or the defence of either side. The Investigating Officer shall reach his own conclusion strictly on the basis of the evidence collected during investigation. Accordingly, the instant Criminal Misc. Applications stand **allowed** in the above terms.

JUDGE

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