

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No. 1056 of 2025

Applicant : Shahzaib Tareen
S/o. Muhammad Aslam Tareen
Through: Mr. Muneer Ahmed Gilal
advocate

Respondent No.1 : Sani Asnain Zahid
@ Shani Hussain Zahid
son of Zahid Hussain
Through: Mr. Fahad Hussain
advocate

Respondents 1,2 & 3 : The State Through: Mr. Sharafuddin
Kanhari, A.P.G. Sindh a/w Inspector
Mumtaz Ali Marwat of PS Gadap
City.

Date of hearing : 28.09.2026.

Date of Order : 28.09.2026.

ORDER

Jan Ali Junejo, J:-- Through this Criminal Miscellaneous Application under Section 561-A, Cr.P.C., the applicant namely Shahzaib Tareen son of Muhammad Aslam Tareen has called in question the order dated 25.11.2025 (hereinafter referred to as the "Impugned Order") passed by the learned Additional Sessions Judge-III/Ex-Officio Justice of Peace, Malir at Karachi in Cr. Petition No.4229/2025, whereby the SHO concerned was directed to record the statement of the complainant and, if cognizable offence is made out, to register FIR in accordance with law.

2. Succinctly, the case of the Respondent No.1 is that the Respondent No.1 is a law graduate and former Law Officer of the Government of Sindh, residing at Bahria Town Karachi, and on 25.10.2025, following a minor dispute between his son and the staff of Peek A Book, Bahria Town, over a product/billing issue, certain security personnel, along with a person introducing himself as Major Shahzaib, allegedly came to the Respondent No.1's residence, where the said person, in connivance with the security staff and others, allegedly forcibly abducted and assaulted the Respondent No.1, subjected him to physical torture, humiliation and threats, and unlawfully confined him for several hours at a nearby

maintenance office while allegedly claiming authority of the Pakistan Army and stating that the SHO of Police Station Gadap Town was under his control. It is further alleged that the Respondent No.1 was beaten with hands, feet, a stick and sharp objects, deprived of his liberty, stripped of his clothes and threatened with death and further abduction, and that he was ultimately released at about 2:00 a.m. and left on the roadside after being compelled, under duress, to withdraw/cancel his earlier emergency complaints. The Respondent No.1 thereafter approached Police Station Gadap Town for registration of a criminal case, but the SHO allegedly refused to record his complaint or register an FIR. The Respondent No.1 claims that the incident discloses cognizable offences, including wrongful confinement, causing hurt, abduction, criminal intimidation, personation of a public servant and abetment/common intention, and alleges that the accused persons misused the name and authority of the Pakistan Army. Having failed to secure registration of an FIR from the concerned police, the Applicant has approached this Court under Sections 22-A and 22-B Cr.P.C. seeking directions for registration of the FIR and fair investigation in accordance with law.

3. Learned counsel for the Applicant contended that the impugned proceedings initiated on the complaint of Respondent No.1 are illegal, mala fide, fabricated and amount to an abuse of the process of law, as the learned Justice of Peace passed the impugned order in a mechanical manner without properly appreciating that the allegations, even if taken at their face value, do not disclose commission of any cognizable offence against the Applicant. He further argued that the dispute is essentially civil and personal in nature, arising out of animosity and ulterior motives on the part of Respondent No.1, who has sought to misuse the criminal machinery merely to harass and pressurize the Applicant. It was contended that the Applicant was performing his lawful duties as Security In-charge and committed no offence punishable under the Pakistan Penal Code, whereas the police have no lawful authority to harass, threaten or pressurize him on the basis of a false and manipulated complaint. Learned counsel maintained that continuation of the impugned proceedings would cause irreparable loss, humiliation and mental agony to the Applicant and result in miscarriage of justice. Lastly, he submitted that this Court, in exercise of its inherent jurisdiction under Section 561-A Cr.P.C., is competent to prevent abuse of the process of law, secure the ends of

justice and quash the frivolous and vexatious proceedings initiated against the Applicant out of personal vendetta; hence, the impugned order is liable to be set aside.

4. Conversely, learned A.P.G. and learned counsel for Respondent No.1 opposed the application and submitted that the impugned order is well-reasoned and passed strictly in accordance with law. It was further argued that the scope of jurisdiction under Sections 22-A & 22-B Cr.P.C. is limited and the Justice of Peace is only to ensure that the matter is set into motion where a cognizable offence is disclosed. It was prayed that the application be dismissed.

5. I have heard the learned counsel for the applicant, learned A.P.G. and learned counsel for Respondent No.1 and have carefully examined the impugned order as well as the material available on record.

6. The record reflects that Respondent No.1 approached the learned Ex-Officio Justice of Peace with specific allegations of his alleged abduction, wrongful confinement, physical assault, intimidation and misuse of the name and authority of the Pakistan Army, coupled with the allegation that his complaint was not being entertained by the police. The learned Justice of Peace, after considering the complaint, did not straightaway direct registration of an FIR against the Applicant; rather, the SHO concerned was directed to record the statement of the complainant and, if a cognizable offence was made out, to register the FIR in accordance with law. Such direction, in its nature and effect, cannot be construed as a finding of guilt against the Applicant, nor does it prejudice the merits of the allegations levelled against him.

7. It is settled that at the stage of consideration of a complaint seeking registration of an FIR, the Court is not required to conduct a detailed inquiry into the truthfulness or otherwise of the allegations, nor can the defence of an accused be conclusively adjudicated upon before the investigation has commenced. Where the allegations contained in the complaint, if taken at their face value, disclose commission of cognizable offences, the appropriate course is to permit the statutory machinery to investigate the matter in accordance with law. In the present case, the allegations of abduction, wrongful confinement, assault, intimidation and other connected acts, taken cumulatively, cannot at this preliminary stage

be declared to be so inherently absurd or legally incapable of constituting cognizable offences as would justify interference under the inherent jurisdiction of this Court.

8. The contention of learned counsel for the Applicant that the allegations are false, fabricated, motivated and arise out of personal hostility essentially relates to questions of fact. Likewise, the assertion that the Applicant was merely performing his lawful duties as Security In-charge and committed no offence is a matter of defence which requires determination on the basis of evidence and cannot appropriately be adjudicated upon in proceedings under Section 561-A Cr.P.C. at a stage when even the proposed investigation has not been allowed to take its course. The disputed questions regarding the occurrence, the respective roles of the persons allegedly involved, the circumstances of the alleged confinement and assault, and the authenticity of the allegations are matters which may be examined by the investigating agency in accordance with law.

7. It is equally significant that the impugned order does not direct the police to blindly register a case irrespective of the contents of the complaint. The learned Justice of Peace has expressly directed the SHO to record the statement of the complainant and, only if a cognizable offence is made out, to register the FIR in accordance with law. Thus, the direction is conditional and safeguards the legal requirement that the contents of the complaint must disclose a cognizable offence. No material has been brought on record to demonstrate that the learned Justice of Peace exercised jurisdiction in excess of the authority vested in him or acted in a manner warranting interference by this Court.

8. The inherent jurisdiction under Section 561-A Cr.P.C. is extraordinary in nature and is to be exercised sparingly and with circumspection, particularly where the criminal process has only been directed to be set into motion for the purpose of determining whether a cognizable offence is disclosed. Such jurisdiction cannot ordinarily be invoked to stifle a lawful investigation or to secure an advance determination of disputed factual questions in favour of a person against whom allegations have been made. The Applicant has failed to demonstrate any circumstance showing that continuation of the proceedings pursuant to the impugned order would amount to an abuse

of the process of law or that interference at this nascent stage is necessary to secure the ends of justice.

9. Consequently, upon examination of the material available on record and considering the nature of the allegations, the impugned order does not suffer from any illegality, jurisdictional defect or material irregularity warranting interference in exercise of inherent jurisdiction under Section 561-A Cr.P.C. The grounds urged by learned counsel for the Applicant primarily constitute matters of defence and disputed questions of fact, which cannot be conclusively determined in the present proceedings. Accordingly, I find no merit in the instant Criminal Miscellaneous Application, which is hereby **dismissed**. The impugned order dated 25.11.2025 passed by the learned Additional Sessions Judge-III/Ex-Officio Justice of Peace, Malir at Karachi in Cr. Petition No.4229/2025 is maintained. Needless to observe that the concerned police shall proceed strictly in accordance with law and without being influenced by any observation made herein.

JUDGE