

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Muhammad Saleem Jesser

Mr. Justice Nisar Ahmed Bhanbhro.

CP No. D-6002 of 2025

(Muhammad Moosa v. SSP Sujawal & Ors.)

Petitioner: Through Mr. Salahuddin Gandapur, Advocate

Respondents No 4 to 9: Through Mr. Shaukat Pathan, Advocate
Mr. Ali Haider Saleem,
Addl. Prosecutor General Sindh.
Mr. Hakim Ali Shaikh,
Addl. Advocate General Sindh alongwith
Mr. Sagheer Abbasi,
Assistant Advocate General Sindh.

Date of hearing : **27.01.2026.**

Dated of Order : **03.03.2026.**

ORDER

NISAR AHMED BHANBHRO, J. Through the instant petition, the petitioner has challenged the order dated 06.11.2025 passed by the Learned District Judge/Ex-Officio Justice of Peace Sujawal in CrI. Misc. Application No.285 of 2025, whereby his application filed under section 22 - A (6) of the Code of Criminal Procedure, 1898 for issuance of the directions to the concerned SHO for registration of FIR was declined.

2. Mr. Salahuddin Khan Gandapur, learned counsel for the petitioner, submits that the Petitioner approached learned Ex - Officio Justice of peace to seek compliance of the provisions of Section 154 Cr.P.C, which per his contention local police failed. He contended that from the narration made in

the application made to SHO and Learned Ex-Officio Justice of Peace, the ingredients of an offence cognizable in nature were made out; therefore, the Ex-Officio Justice of Peace was under an obligation to issue directions for recording the statement of the petitioner. He contended that ex-officio justice of peace failed to exercise its jurisdiction, thus it was a fit case for indulgence by this Court.

3. Mr. Shoukat Pathan, learned counsel for the respondents (proposed accused), contended that the parties are *inter-se* in dispute over Dargah Qureshi Badshah and the petitioner intends to illegally occupy the said Dargah, therefore, he filed instant petition to harass the respondents. He contended that no incident as alleged by the Petitioner has taken place and Petitioner was trying to convert civil dispute into a criminal litigation, which fact stood established during enquiry conducted by police complaint cell, under such circumstances learned Ex-Officio Justice of Peace passed a well reasoned order which did not require interference. He prayed to dismiss the petition.

4. Learned Additional Prosecutor General assisted by the learned Assistant Advocate General have supported the impugned order and contended that from the statement so made in the memo of application under Section 22-A(6) Cr.PC, ingredients of an offence cognizable in nature were not traced out, therefore, learned Justice of Peace rightly declined to exercise its jurisdiction.

5. Heard arguments and perused the material made available before us on record.

6. Under the scheme of law, Officer Incharge of Police Station is bound to record the statement of the aggrieved person approaching him. On recording the statement Officer Incharge of the Police Station shall form an opinion, whether the narrated facts disclosed the offence of cognizable or non-cognizable in nature and then to incorporate the statement under Sections 154 or 155 Cr.PC book, as the case may be. It appears from the record that the Petitioner Muhammad Moosa appeared at Police station disclosing the commission of offence taken place on 12-10-2025 with a complaint of sustaining injuries, he was referred for medical treatment and vide letter dated 17.10.2025, the Medical Officer informed the Incharge of the Police Station that no any bony lesions was seen and the injury was described as *other hurts* (an offence punishable under section 337 - Lii), such an entry was incorporated in

the 155 CrPC Book. Petitioner aggrieved of the action taken by SHO of Police Station filed an application under Section 22-A Cr.PC before Ex-Officio Justice of Peace. Application of the Petitioner was referred to for inquiry to the complaint cell set up in the District Police Office. During inquiry it transpired that the petitioner had cooked up a false story to pressurize Respondents (proposed accused) to settle the scores of enmity over Dargah Qureshi Badshah. Learned Ex-Officio Justice of Peace refused to show indulgence and dismissed the application.

7. Meticulous perusal of record revealed that the stance of the Petitioner was self contradictory. In his application filed under section 22 - A (6) CrPC per paragraph 3, the Petitioner has sought registration of FIR for an incident taken place on 16.10.2025, wherein he alleged that accused cut trees from Dargah and on resistance subjected petitioner to maltreatment. The Medico Legal Certificate (MLC) available at page 15 of the Court file issued by the concerned hospital suggested that Petitioner appeared for medical treatment on 12.10.2025, making the version of Petitioner for an incident of allegedly occurred on 16.10.2025 as doubtful.

8. It has been time and again emphasized by the Superior Courts of the Country that the purpose of the provisions of Section 22A and 22B Cr.PC was to ensure that police officers perform their duties in accordance with the law and are held accountable for any excesses if committed, and these provisions cannot be used a tool to settle the scores of personal vendetta. Since the petitioner had reported the matter to Police Station, the Incharge of the Police Station formed an opinion that no offence cognizable in nature was made out, therefore, he incorporated the same in the daily diary and referred the petitioner to the hospital for medical treatment. The MLC also disclosed that no injury falling within the definition of an offence cognizable in nature was sustained by the petitioner, as such no case to incorporate the statement of petitioner under Section 154 Cr.PC book was made out. It appears that by invoking the jurisdiction of Ex-Officio Justice of Peace, the petitioner intended to misuse the provisions by circumventing the due process of law to settle his personal scores. Such practice has been deprecated by the Hon'ble Supreme Court of Pakistan in the case of Younas Abbas and others v. Additional Sessions Judge, Chakwal and others (PLD 2016 SC 581) wherein it has been held that the provisions of Section 22A cannot be used as a tool to victimize the innocent souls.

9. Learned counsel for the petitioner has failed to point out any illegality or perversity in the impugned order calling for indulgence of this Court to exercise powers of judicial review conferred under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

10. In the wake of above discussion, this petition fails and is hereby dismissed along with listed application(s).

JUDGE

JUDGE

HEAD OF CONST. BENCHES

Nadir/PS*

Approved for reproting