ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Misc. Appln. No.S-195 of 2026.

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection.
2. For hearing of Main Case.
3. For hearing of M.A. No.2577/2026.

Mr. Riaz Hussain Khoso, advocate for the applicants.
M/s Habibullah G. Ghouri and Sabit Ali Jagirani, advocates for respondent No.3.
Mr. Aitbar Ali Bullo, DPG.

Date of hearing & Order : **09.07.2026.**

O R D E R

Jawad Akbar Sarwana, J.- The applicants are aggrieved by the order dated 18.06.2026 passed by the IV-Additional Sessions Judge/Ex-Officio Justice of Peace, Larkana in Cr. Misc. Application No.1014/2026.

2. Learned Counsel for the applicants, who were the proposed accused in the aforementioned matter before the Ex-Officio Justice of Peace, contests the observations made in the impugned order that *"… [i]n my humble view seeking such direction does not amount registration of second FIR of same incident. As such ratio laid down in "Sughra Bibi" case in my humble view is not applicable in these peculiar circumstances of the case."* Counsel contends that as the matter pertains to the same event which took place on the same date i.e. 21.05.2026; the *Sughra Bibi* case is entirely applicable in the circumstances and that in such matters, the Ex-Officio Justice of Peace ought to have passed orders to positively record the statement of the applicants/proposed accused within the context of the same FIR as per law.

3. Learned Counsel for the respondent No.3 has vehemently opposed the contents of the applicants on the grounds that this matter, although it may have taken place on the same date, i.e. 21.05.2026, the time mentioned in the FIR is different. He contends that, as per the FIR bearing No.38/2026 of PS Taluka Larkana, lodged by the proposed accused, the FIR shows that the event took place at 10.00 p.m.; whereas, the

respondent no.3 before the Ex-Officio Justice of Peace contends that the event took place allegedly at 11.15 p.m. The learned Counsel for the respondent No.3 contends that this is a distinguishing point. He contends that the two events do not involve a “counter-case”, but in fact this is a case of “counter-blast”. He argues that in the case of a “counter-case”, the events take place within the timeline of a single event; whereas “counter-blast” means that there are two separate events occurring at two different times. Thus, he argues that these being two (2) separate events, therefore, the *Sughra Bibi* case is not applicable in the facts and circumstances of the case and cause for a separate FIR being lodged is made out, if so determined by the police authorities.

4. The learned DPG adopts the arguments of learned Counsel for the applicants/proposed accused and has argued that this matter falls within the contours of the *Sughra Bibi* case and the statement should be recorded within FIR No.38/2026 of PS Taluka Larkana.

5. Heard Counsel. I have perused the impugned order dated 18.6.2026, passed by the Ex-Officio Justice of Peace, Larkana, as well as closely reviewed the material paragraph, i.e., paragraph 6 of the said order. As per paragraph 6, the learned Ex-Officio Justice of Peace has well noted that two events took place on 21.05.2026. The two events occurred at different times on the same date. Additionally, the ex-officio Justice of Peace noted that, based on the Final Medical Certificate available on record, injuries were sustained between the parties. To this extent, I do not find any reason to interfere in the above-mentioned observations of the Ex-Officio Justice of Peace and conclusion for recording of statement by the police authorities; however, in the facts and circumstances of the case, the positive directions to the police authorities to record the statement in a fresh FIR appear to be beyond the scope of the powers available to the Ex-Officio Justice of Peace. The question of how the event took place, what happened, its timings, its interconnections inter se, and whether a series of events occurred within the same timeline requires further information. This is clearly not the domain of the Ex-Officio Justice of Peace as per the observations made by the Supreme Court in the case of ***Syed Qamber Ali Shah Vs. Province of Sindh and others*** **2024 SCMR 1123**, wherein the apex Court observed that the Ex-Officio Justice of Peace ought to restrain himself from a deep dive into the facts when deciding matters under Section 22-A(6)(i), Cr.P.C.

6. With regard to the arguments raised by the learned Counsel for the respondent No.3 distinguishing the events between “counter-case” and “counter-blast” cases, this plea has not been taken up before the Ex-Officio Justice of Peace and is not articulated or set up as a defence in the criminal miscellaneous application which proceeded before the lower forum. Without prejudice against the foregoing, however, it is common ground between the contesting parties that the event took place at the same location. Further, injuries were also sustained by parties. Admittedly, as per the record available before this Court, the two events took place, one at 10.00 p.m. and the other at 11.15 p.m., yet, tentatively, it appears the events may have occurred within a single timeline. Thus, the applicability of the obiter dicta of the *Sughra Bibi*, in my humble view, on the point whether matter requires FIR and if so whether it should be the same FIR (already lodged) or a fresh (second) FIR, is to be ultimately decided by the police authorities and best left to their discretion. Given the peculiar facts and circumstances of this case, the registration of FIR, on all scores, remains in the control of the police authorities, and, at this stage, judicial determination by the Ex-Officio Justice of Peace and/or by this Bench is/will be premature.

7. Given the above, I do not find any ground to interfere in the impugned order except that the remarks of the ex-Officio Justice of Peace, which are identified above in my order in quotation marks and underlining added, are hereby struck off from the impugned order. The police authorities shall proceed with the recording of the statement of respondent No.3 as per the impugned order and shall ensure that the Supreme Court’s ruling in the *Sughra Bibi* case is followed in letter and spirit. The police official concerned shall apply his mind and act in accordance with law.

8. The criminal miscellaneous application is disposed of in the above terms along with the listed application.

JUDGE

Qazi Tahir PA/*