

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Criminal Misc. Application No. S-172 of 2026.
(Mst. Sasui Lohar Vs. The State and others)

Applicant: Mst. Sasui Lohar D/o Hidayatullah Lohar,
through Mr. Habibullah G. Ghouri,
Advocate.

The State: Through Mr. Nazir Ahmed Bhangwar,
Deputy Prosecutor General, Sindh.

Date of hearing: 03.08.2026.
Date of Order: 03.08.2026.

ORDER

Ali Haider 'Ada', J:-, Through the instant Criminal Miscellaneous application, the applicant, being the complainant, has called in question the order dated 24.04.2026 passed by the learned Judicial Magistrate, Naseerabad, whereby the final report submitted by the Investigating Officer was accepted, and the case was ordered to be consigned to the record under "A" Class (untraced). Being aggrieved by the said order, the applicant has preferred the present application.

2. Briefly stated, the prosecution case is that on 02.03.2024, the applicant lodged an F.I.R. at Police Station Naseerabad under Sections 302 and 34, P.P.C. against respondents No.5 and 6, who were specifically nominated for committing the murder of her father. The F.I.R. also referred to the involvement of certain unknown accused persons. It is further alleged that respondent No.6 was serving as a police official at the relevant time. During the course of investigation, three empty cartridges of a 9 mm pistol were secured from the place of occurrence. However, upon completion of the investigation, the Investigating Officer submitted a final report recommending disposal of the case under "A" Class. The record reflects that the learned Judicial Magistrate, Naseerabad, vide order dated 20.05.2024, declined to accept the said report and remanded

the matter for further investigation with the direction that the same be conducted by an officer not below the rank of DSP. Pursuant thereto, further investigation was carried out, yet another report recommending disposal under "A" Class was submitted. The learned Magistrate, vide order dated 29.07.2025, once again declined to accept the report and directed the Investigating Officer to conduct further investigation and submit a fresh report. Thereafter, the matter was again investigated, and a third report under "A" Class was submitted. This time, vide the impugned order dated 24.04.2026, the learned Judicial Magistrate accepted the report and ordered the case to be consigned to the record under "A" Class.

3. Learned counsel for the applicant contended that there is no provision of law permitting disposal of a case under "A" Class where the accused persons have been specifically nominated in the F.I.R. He further argued that the learned Judicial Magistrate failed to exercise his jurisdiction in accordance with law and committed a material illegality in accepting the final report despite the specific nomination of the accused persons. According to the learned counsel, the impugned order is not sustainable in law and is, therefore, liable to be set aside.

4. The record further reveals that despite service of notice, respondent No.5 could not be served as he had shifted to the Province of Punjab, as reported by the Process Server, Assistant Sub-Inspector of Police Station Naseerabad. Respondent No.6, however, filed his para-wise comments before this Court and was fully aware of the pendency of the present proceedings, yet he chose not to appear and contest the matter. The concerned S.H.O. has also submitted his report, which forms part of the record.

5. Conversely, learned Deputy Prosecutor General opposed the application and submitted that the final report under "A" Class was submitted only after the matter had been investigated on three separate occasions, and on each occasion no incriminating material

could be collected against the nominated accused. He argued that the learned Judicial Magistrate, after thoroughly scrutinizing the investigation record, rightly exercised his jurisdiction in accepting the report under "A" Class, and thus the impugned order does not call for any interference by this Court.

6. Heard the learned counsel for the applicant as well as the learned Deputy Prosecutor General and have carefully examined the material available on the record.

7. First of all, to ascertain the correct legal position, it is necessary to examine the origin and legal foundation of the various classes under which criminal cases are disposed of during the course of investigation.

8. As per the settled practice under law, the disposal of criminal cases into classes has its origin in the colonial-era Bombay Presidency Police Rules, which practice continues to be followed by the police in Sindh and other parts of Pakistan. These classifications are resorted to while submitting the final report under Section 173, Cr.P.C, and are subject to judicial scrutiny by the Magistrate or the trial Court. These classifications are read as under:-

A-Class: This category is applicable where the case is found to be true, but the accused remain untraced or unidentified. The investigation report reflects that despite sincere efforts, the culprits could not be arrested. In such cases, the FIR is kept pending; an investigation may be continued if fresh information comes to light.

B-Class: This class is reserved for maliciously false cases. Where, after investigation, it appears that the FIR was frivolous or false and the complainant knowingly lodged false information, the case is disposed of under B-Class. Such disposal may also entail legal action against the complainant under Section 182, PPC for furnishing false information.

C-Class: This category applies to cases which are neither established as true nor proved to be maliciously false. It covers situations where there is insufficient evidence to proceed, where the matter is non-cognizable, or where the facts appear to be of a civil nature. In essence, C-Class is meant for cases which cannot be substantiated due to lack of material proof.

9. It is also a settled proposition of law that such classification by the Investigating Officer is not binding on the Court, and the Magistrate/trial Court is duty-bound to examine whether the disposal falls within the ambit of the respective class before approving the summary. The authority of classifying a case must be exercised strictly in accordance with law, keeping in view the distinction between a true but untraced case (A- Class), a false case (B-Class), and a case with insufficient evidence (C- Class).

10. Moreover, as per **Rule 24.4 of the Police Rules, 1934**, if the information received during investigation gives rise to doubt regarding the commission of an offence, the law prescribes a specific procedure to record such findings and to endorse that no offence has been committed. For ready reference, Rule 24.4 (I) of the Police Rules, 1934 reads as under:

24.4. Action when reports are doubtful.--(1) If the information or other intelligence relating to the alleged commission of a cognizable offence is such that an officer in charge of a police station has reason to suspect that the alleged offence has not been committed, he shall enter the substance of the information or intelligence in the station diary and shall record his reasons for suspecting that the alleged offence has not been committed and shall also notify to the informant, if any, the fact that he will not investigate the case or cause it to be investigated.

11. So far as the cancellation of a case is concerned, the same powers are also prescribed and defined in the relevant provisions of the Police Rules. The mechanism for cancellation or disposal of a case is specifically provided under **Rule 24.7 of the Police Rules, 1934**. For ready reference, the said Rule is reproduced as under:

24.7. Cancellation of cases.-- Unless the investigation of a case is transferred to another Police Station or district, or first information report can be cancelled without the orders of a Magistrate of the 1st class.

When information or other intelligence is recorded under section 154, Criminal Procedure Code, and, after investigation, is found to be maliciously false or false owing to mistake of law or fact or to be non-cognizable or matter for a civil suit, the Superintendent shall

send the first information report and any other papers on record in the case with the final report to a Magistrate having jurisdiction and being a Magistrate of the first class, for orders of cancellation. On receipt of such an order the officer in charge of the police station shall cancel the first information report by drawing a red line across the page, noting the name of the Magistrate canceling the case with number and date of order. He shall then return the original order to the Superintendent's office to be filed with the record of the case.

12. Now, adverting to the aspect of cases registered against unknown or untraced persons, it is significant to note that the Police Rules, 1934, provide a complete process to regulate such situations. The law does not permit the outright abandonment of such cases without due inquiry or investigation; rather, specific provisions have been framed to ensure that even when the offenders remain untraced, the case file remains alive for future action. For the sake of clarity, the relevant rules of Police Rules 1934, are reproduced and explained as under:

Rule 21.35 (h) To co-ordinate and guide the efforts of police station staff throughout the district in securing the arrest of absconders and proclaimed offenders and in locating absentee bad characters, criminal tribesmen and other untraced persons and to maintain close co-operations with the C.I.As. of other districts in this work.

27-39. Monthly sorting. – (1) At the end of each month, or sooner if convenient, the cases in the upper row which are no longer pending investigation shall be sorted and divided into separate packets as follows:-

- (a) All traced cases and untraced bailable cases, including cancelled cases.
- (b) Untraced non-bailable cases, in which action under section 512, Code of Criminal Procedure, has not been taken.
- (c) Untraced bailable and non-bailable cases in which action under section 512, Code of Criminal Procedure, has been taken.

13. Coming to the facts of the present case, it is an admitted position that respondents No.5 and 6 were specifically nominated in the F.I.R. with direct allegations regarding the commission of the murder of the deceased. In such circumstances, the case could not legally have been disposed of under "A" Class (untraced), as the

concept of an "untraced" case is applicable only where the offender remains unknown or cannot be traced despite reasonable efforts during the investigation. Once the accused persons have been specifically nominated, the Investigating Officer is required either to collect sufficient evidence to send them up for trial or, if no evidence is available, to seek disposal of the case in the appropriate class recognized by law.

14. The learned Judicial Magistrate, while accepting the report under "A" Class, did not appreciate the true scope and object of such classification. Consequently, the impugned order dated 24.04.2026, whereby the report under "A" Class was accepted, suffers from material illegality and cannot be sustained in the eyes of law. Accordingly, the impugned order dated 24.04.2026 is hereby set aside. The learned Judicial Magistrate is directed to consider the material afresh and pass a well-reasoned speaking order, after independently applying his judicial mind and in accordance with the settled principles of law discussed hereinabove.

15. In view of the foregoing discussion, the instant Criminal Miscellaneous application is allowed in the above terms.

JUDGE