

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Criminal Misc. Application No.S-66 of 2026

Before;
Mr. Justice Abdul Hamid Bhurgri.

Applicants : 1. Dr. Muhammad Murtaza son of Noor Ahmed Shaikh,
2. Muhammad Mohsin son of Shafi Muhammad Mashori, through M/S Safdar Ali Ghouri and Idrees Ahmed Mangi, Advocates.

Respondents : Through Mr. Sardar Ali Solangi,
D.P.G for State.
Mr. Syed Shafquat Ali Shah, Advocate for respondent No.4

Date of Hearing : 09.04.2026
Date of Order : 16.04.2026.

ORDER

Abdul Hamid Bhurgri J.- Through this Criminal Miscellaneous Application under Section 561-A, Cr.P.C., the applicants/proposed accused have assailed the order dated 28.02.2026 passed by the learned III-Additional Sessions Judge/Ex-Officio Justice of Peace, Larkana, whereby an application under Section 22-A(6)(i), Cr.P.C., filed by respondent No.4, namely Daraz Hussain, was allowed with a direction to respondent No.1 to record his statement under Section 154, Cr.P.C., and proceed in accordance with law.

2. The case of respondent No.4 before the learned Justice of Peace is that on 31.01.2026 at about 02:44 p.m., the proposed accused, who are the present applicants, allegedly took away his Corolla Altis Grande-2022 bearing registration No. BWF-079 from a parking area, and that CCTV footage of the incident is available.

3. Learned counsel for the applicants contended that there exists a property dispute between the parties and the present proceedings have been initiated with mala fide intent to harass and

pressurize the applicants. It was further argued that no cognizable offence is made out; that the alleged photographs/CCTV footage do not establish the presence of the applicants at the relevant time; and that the impugned order is erroneous. Learned counsel further submitted that the mother of respondent No.4 had also filed an application under Sections 22-A & 22-B, Cr.P.C., regarding an occurrence allegedly taking place on the same date and time, which application was dismissed, and that such fact has not been disclosed by respondent No.4. He has relied upon case laws reported in PLD 2010 SC 691, 2013 PCr.L.J 13, 2010 YLR 189, 2016 SCMR 581 and 2013 PCr.L.J 122.

4. Conversely, learned counsel for respondent No.4, duly assisted by learned Deputy Prosecutor General, opposed the application and submitted that the matter requires proper investigation and that the impugned order has been passed strictly in accordance with law.

5. I have heard learned counsel for the parties and perused the material available on record. It is settled law that the jurisdiction of the Ex-Officio Justice of Peace under Section 22-A(6), Cr.P.C., is limited in scope, and such Court is only required to examine whether the information prima facie discloses commission of a cognizable offence so as to warrant action under Section 154, Cr.P.C and the Justice of Peace is not competent to conduct a detailed inquiry or to resolve disputed questions of fact and is not to assume the role of an Investigating Officer or adjudicate upon the merits of the allegations. The said principle has recently been

reaffirmed by the Honourable Supreme Court in ***Qamber Ali Shah v. The State (2024 SCMR 1123)***, reiterating that disputed questions of fact are to be left for investigation and the Justice of Peace cannot embark upon a deeper probe at this stage.

6. The contentions raised by the applicants, including the plea of mala fide, existence of a civil dispute, and the argument regarding non-disclosure of facts in relation to proceedings initiated by the mother of respondent No.4, involve disputed questions of fact which require probe and investigation and cannot be adjudicated upon in exercise of inherent jurisdiction under Section 561-A, Cr.P.C., particularly when such matters fall within the domain of investigation.

7. The impugned order merely directs the police to examine the complaint of respondent No.4 in terms of Section 154, Cr.P.C, and to proceed strictly in accordance with law. Such direction is in consonance with settled legal principles, and no illegality, perversity or jurisdictional defect has been pointed out which may justify interference by this Court in exercise of inherent jurisdiction.

8. It is clarified that the observations made herein are tentative in nature and have been recorded only for the purpose of deciding the present application; the same shall not prejudice either party at any stage. In case, upon examination of the complaint, a cognizable offence is made out, the concerned Station House Officer shall record the statement of the complainant in terms of Section 154, Cr.P.C, and proceed further strictly in

accordance with law. The Investigating Officer, thereafter, shall conduct the investigation independently and without being influenced by any observation contained in this order.

9. In view of the above, the instant application, being devoid of merits, is dismissed and the interim order dated 02.03.2026 is hereby recalled.

10. The case law relied upon by the learned counsel for the applicants is distinguishable on the facts and circumstances of the present case.

Judge