

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Misc. Application No.316 of 2025

Applicant : Muhammad Sheraz Khan son of Shamraiz Khan
Through Mr. Muhammad Haroon Shaikh
Advocate.

Respondent : The State

Date of hearing : 11.04.2025.

Date of order : 11.04.2025.

ORDER

KHALID HUSSAIN SHAHANI, J. - Applicant Muhammad Shahroz Khan has invoked the inherent jurisdiction of this Court by filing instant application, to set aside the impugned order dated 26.02.2025 passed by the learned Ex-Officio Justice of Peace/Additional Sessions Judge-I Malir Karachi, in Criminal Misc. Application No. 536/2025, whereby his plea for according direction to SHO concerned to lodge FIR was declined.

2. Learned counsel submits that applicant and the proposed accused are related and had social interactions. He contends that due to personal issues, proposed accused had started implicating the applicant and harassing him through local police and private persons using mobile communication. It is further alleged that although an application was submitted to the concerned SHO, no action had been taken. Such fact compels him to approach Ex-Officio Justice of Peace for registration of FIR.

3. Upon a pointed query as to how the impugned order suffers from any legal infirmity or jurisdictional error warranting interference under Section 561-A Cr.P.C., learned counsel for the applicant is unable to furnish satisfactory explanation. No material has been brought on record to show that any cognizable offence has been committed by the proposed accused. The vague allegations of "harassment" and "threats" via mobile phone and "gunda elements" are unsupported by documentary proof or independent corroboration. Additionally, no details regarding the alleged mobile number or any call data have been provided. The counsel also conceded that there is no pending criminal case or FIR against the applicant arising from the alleged conduct.

4. The impugned order demonstrates due application of mind and notes, quite correctly, that the applicant failed to disclose any offence cognizable under the law. The learned trial court declined to issue direction for FIR or further proceedings, and instead, passed a reasoned order safeguarding the applicant by allowing limited protection, where deemed appropriate. In the absence of any perversity or patent illegality, no case for interference by this Court is made out.

5. It is well settled that the inherent jurisdiction of this Court under Section 561-A Cr.P.C. is to be exercised sparingly and in extraordinary circumstances where miscarriage of justice is apparent on the face of the record. In the present case, the record does not reflect any such circumstance. Accordingly, the instant application, being devoid of merit, is dismissed in *limine*.

J U D G E