

ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.

Cr. Misc. Application No.S-102 of 2025.

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
	<div>1. For orders on M.A No.1652/2025. (U/A)</div> <div>2. For orders on office objection "A".</div> <div>3. For orders on M.A No.1653/2025. (E/A)</div> <div>4. For hearing of main case.</div> <div>5. For orders on M.A No.1653/2025. (Stay)</div>

21-03-2025

Mr. Zaheer Ahmed Ujjan, Advocate for the applicants.

Khalid Hussain Shahani, J.- The applicants, Bakshan Malik and others, have invoked the inherent jurisdiction of this Court under Section 561-A of the Cr.P.C., seeking judicial review of the order dated 20.03.2025, passed by the learned Sessions Judge/Ex-Officio Justice of Peace, Kashmore @ Kandhkot, in Criminal Miscellaneous Application No.232/2025. The impugned order was issued under Sections 22-A(6)(i) Cr.P.C., whereby the application filed by respondent Arz Muhammad, for the registration of a criminal case was allowed.

2. The case put forth by Respondent No.4 is that on 28.02.2025, he along with his son Kareem and Molvi Muhammad Punhal was proceeding to village Golata, intercepted by the appellants. It is alleged that accused Bakshan fired upon them, which hit the motorcycle and a fire made by Ali Gohar hit Molvi Muhammad Punhal at his abdomen; besides, the proposed accused committed robbery of cash amount, mobile phones and gold ring. Despite the issuance of a medical certificate by the concerned Medical Officer diagnosing injury on the person of injured Molvi Muhammad Punhal constituting a cognizable offence, the police failed to register a FIR.

3. Heard and perused the record.

4. The learned counsel for the applicants, despite extensive arguments, failed to present any legally tenable justification to refute the registration of a criminal case against the proposed accused. According to him, medical certificate issued by the Medical Officer categorically classifies injury No.1 sustained by the injured Molvi Muhammad Punhal, as *Jaifah*, which is punishable u/s 337-D PPC, qualifies as a cognizable offense as per Schedule-II of the Code of Criminal Procedure, 1898 Cr.P.C. Where medical evidence establishes a prima facie cognizable offense, the registration of an FIR is a statutory obligation, and failure to do so amounts to a miscarriage of justice. Therefore, the arguments advanced by the applicants' counsel do not hold sufficient merit to warrant any deviation from the settled jurisprudence on the mandatory registration of an FIR in cases involving cognizable offenses.

5. In light of the foregoing discussion, no legal infirmity, jurisdictional error, or procedural irregularity is found in the impugned order passed by the learned Ex-Officio Justice of Peace. The impugned order is consistent with the settled law governing the registration of FIRs in cases involving prima facie cognizable offenses. As a result, the present application, along with all listed application(s), stands dismissed in *limine*, as no exceptional circumstances have been demonstrated to warrant interference by this Court in its inherent jurisdiction.

JUDGE