

Judgment Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Jawad Akbar Sarwana

Criminal Miscellaneous Application No. 760 of 2023

Shokat Ali v. Additional District Judge XII Karachi East & others

Applicant:	Shokat Ali s/o Rusam Khan, through Mr. Abdul Latif Leghari, Advocate.
Respondent No.1:	Nemo (Additional District Judge XII Karachi East).
Respondent Nos.2 & 3:	SSP District East Karachi and Station House Officer Police Station Shahra-e- Faisal, Karachi, through Ms. Rubina Qadir, D.P.G.
Respondent Nos.4–8:	Nemo (Shahzad, Nasir, Sajid, Altaf Hussain, and Sunny).
Date of Hearing:	20.12.2024
Date of Judgment:	09.05.2025

J U D G M E N T

Jawad Akbar Sarwana, J.: This Criminal Miscellaneous Application filed on 05.10.2023 challenges the dismissal order dated 22.09.2023 passed by the XII-Additional District & Sessions Judge Karachi East, dismissing the petitioner's application seeking directions to the SHO to initiate legal action/lodging of FIR. The petition has come up for hearing before this bench after almost 15 months have passed since the date of the incident, i.e., 2nd August 2023.

The applicant's grievance is that he has information of an offence, but when he visited the SHO/concerned officer(s) at the P.S. and provided information on 02.08.2023, no one, including the concerned officer(s), allegedly listened to him. Thereafter, the District Judge, seven (7) weeks later (from the date of the incident), declined to pass orders directing the SHO to register an FIR. In the impugned Order, the District Judge has articulated previous enmity between the parties, and evidence of this is available on record

of this application. I have heard the petition; now, almost 15 months have passed since the date of the incident, when the SHO allegedly declined to entertain the information brought by the petitioner. At this stage, in December 2024, given the background of the enmity between the parties, no real purpose will be served by recording a Statement based on information concerning 2nd August 2023.

Accordingly, this Misc. Application given the above-mentioned predicament is disposed of with the caveat that should any criminal offence occur in future regarding which the Applicant wishes to inform the Police Authorities, the Applicant may approach the police station concerned having jurisdiction with his information and the concerned Officer will evaluate such information and/or complaint and determine whether the information reveals commission of an offence or not and if it does, whether the offence is cognizable or non-cognizable and whether the information being provided is false. For removal of doubt, it is clarified that this Order shall not be interpreted to mean that this Court has passed directions for a mandatory registration of an FIR, which in the first instance is the duty of the police officer to entertain the application in accordance with law.

Misc. Application is disposed of in the above terms.

J U D G E

Announced by me on 9th April 2025.