

*Order Sheet*  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**  
**Criminal Miscellaneous Application No.S-129 of 2025**  
*(Asadullah Panhwar v/s. S.H.O. P.S. B-Section Mehar and Ors.)*

| Date | Order with signature of Judge |
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**Before:**  
*Mr. Justice Nisar Ahmed Bhanbhro*

- 1. For orders on office objections at flag "A".
- 2. For hearing of main case.

Applicant: Asadullah son of Badaruddin Panhwar  
Through Mr. Nawabuddin Chandio, Advocate.

Respondents No.1-2: Mr. Muhammad Noonari, Deputy Prosecutor General, Sindh a/w SIP  
Ghulam Mustafa, Additional S.H.O. P.S. B-Section, Mehar.

Respondents No.3-4: Through M/s. Imtiaz Ali Panhwar and Mumtaz Ali Panhwar,  
Advocates.

Date of Hearing: 30.05.2025  
Date of Decision: 30.05.2025

**ORDER**

**Nisar Ahmed Bhanbhro, J.:-** Through this Criminal Miscellaneous Application, Applicant Asadullah Panhwar seeks indulgence of this Court to direct S.H.O. P.S. B-Section, Mehar to record his statement for an incident allegedly taken place on 04.12.2024 at 04:00 p.m. in the evening.

2. Per Applicant, he approached police station for registration of F.I.R. wherein an entry was manipulated in his name to save the real culprits. The Applicant filed an application under Section 22-A Cr.P.C. before the learned Justice of Peace, which was assigned to the Court of learned Additional Sessions Judge-II, Mehar, same was declined.

3. The S.H.O P.S.B-Section Mehar filed report that complainant Asadullah Panhwar appeared on 04.12.2024 at police station at about 0900 hours in the night and disclosed that he alongwith his nephew Munir Ahmed, Hassan and sister Zaib-un-Nisa were going to village Abdullah Panhwar and in the way, their bike got punctured and went out of control, whereby his sister Zaib-un-Nisa fallen on the road. She was admitted in the hospital and he obtained such a letter. In the same report, the S.H.O disclosed that accused Imam Bux Chandio voluntarily appeared at Police Station and disclosed that his car has been damaged, which is

self-contradictory statement on the part of S.H.O. discloses that he is mingled with the accused party.

4. On the last date of hearing, a chance was given to the proposed accused to settle their dispute with the Applicants, but today with no progress and the counsel for the proposed accused stresses that since the accident had occurred on account of puncture in motor bilke and his clients were not involved in the same, therefore, the registration of F.I.R. would amount to harass them.

5. It is an obligation upon the S.H.O to record statement of the aggrieved person when he approaches him and to form an opinion whether the statement so recorded constitutes an offence of cognizable nature or otherwise and to proceed in terms of Sections 154 or 155 Cr.P.C. as the case may be.

6. In the instant case, the S.H.O appears to be inclined towards proposed accused party, therefore, despite of his own report that the proposed accused appeared before him alongwith the damaged car, which *prima facie* established the claim of the applicant that an accident had occurred. It is the domain of the Investigation Officer to determine whether the accident happened due to mistake of the applicant or proposed accused. The determination of the S.H.O. at this stage speaks volumes about his performance and conduct.

7. In such a situation, S.H.O. P.S. B-Section Mehar is directed to record the statement of Applicant. In case cognizable offence is made out; he shall incorporate the same in 154 Cr.P.C. register. The investigation of this case shall be undertaken by D.S.P, Mehar, who shall conduct investigation without being influenced by reports of the S.H.O submitted before the Court; however, the proposed accused shall not be arrested unless tangible evidence comes on record.

With these observations, instant Criminal Miscellaneous Application stands disposed of.

**JUDGE**

*Manzoor*