

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS**  
*Criminal Misc. Application No.S-138 of 2025*  
*Imran vs. The State and others*

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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- 1. For order on office objection.
- 2. For hearing of main case.

**ORDER**  
**28-07-2025**

Mr. Ghulam Nabi Meo, Advocate for applicant along with applicant.  
Mr. Asif Choudhry, Advocate for the Respondents No.1 and 2.  
Mr. Neel Parkash, Deputy Prosecutor General, along with  
SIP Mir Khadim Ali Talpur, SHO Police Station Mehran.

**Ali Haider 'Ada', J:-** Through this Criminal Miscellaneous Application, the applicant has challenged the order dated 27.05.2025 passed by the learned Additional Sessions Judge-I / Ex-Officio Justice of Peace, Mirpurkhas, in Criminal Miscellaneous Application No. 888 of 2025, whereby the application filed by the applicant under Sections 22-A and 22-B, Cr.P.C., was dismissed.

2. The narrative of the complainant/applicant is that his friend, namely Ali Khan, was arrested in Crime No. 70/2025 registered at Police Station K.N. Shah. In order to secure the release of Ali Khan, the applicant allegedly paid an illegal gratification, and the said transaction was completed accordingly. However, upon demanding the return of the said amount, Ali Khan refused. The applicant further alleged misuse of authority by the police officials in receiving illegal gratification. In these circumstances, the applicant seeks registration of an FIR against the responsible persons for their illegal and unlawful acts.

3. Learned counsel for the applicant has placed reliance on the report of the concerned police official, wherein the arrest of Ali Khan has been admitted to some extent. During the course of arguments, learned counsel also produced a memo of arrest and a money transaction receipt issued in the name of one Rashid. Additionally, he relied upon a photograph depicting Ali Khan seated with police officials. It is further submitted that a report was also furnished before this Court by the S.S.P., Mirpurkhas, which to some extent corroborates the version of the applicant. In view of the above, learned counsel prayed for the acceptance of the instant Criminal Miscellaneous Application.

4. On the other hand, learned counsel for respondents No.1 and 2 has contended that the entire story put forth by the applicant is fabricated and lacks credibility. He pointed out significant contradictions in the factual narrative, particularly with regard to the alleged transaction. In the present application, the applicant claims to have paid an amount of Rs.100,000/- on 30.04.2025, whereas the alleged transaction is said to have taken place on 29.04.2025. Furthermore, the date of arrest of Ali Khan is purportedly 30.04.2025, which creates inconsistency in the applicant's version. It was also argued that the applicant has failed to disclose any concrete steps taken by him for the arrest or legal assistance of Ali Khan at the relevant time. Additionally, the only assertion made by the applicant is that a payment was made to one Rashid, who, notably, has not been nominated as a proposed accused in the array of accused persons. On these grounds, learned counsel submitted that the application is frivolous and prayed for its dismissal.

5. Learned State Counsel has contended that the impugned order passed by the learned Ex-Officio Justice of Peace is a well-reasoned and speaking order. He further submitted that the applicant did not move any application before the relevant public functionaries, such as the Anti-Corruption Establishment, to substantiate his allegations. As per the parameters laid down under the Anti-Corruption Rules, a specific procedure is provided, which is to be invoked only when the complainant first approaches the competent public authority. However, the entire body of the instant application is silent in this regard. In view of the above omissions, learned State Counsel prayed for the dismissal of the instant application being devoid of merit. Even with regard to the reports submitted by the police functionaries, the reliance placed by the applicant is misconceived. The applicant has wrongly interpreted the contents of the said reports, as nowhere have the police officials stated that Ali Khan was formally arrested. Therefore, the applicant's attempt to use these reports to substantiate the alleged arrest is clearly misplaced and without factual basis.

6. Ali Khan, bearing CNIC No. 44103-6707788-3, appeared in person and categorically denied all the assertions made by the applicant regarding his alleged arrest. He submitted that he was merely called by the police for the purpose of investigation and was never formally arrested. He further disbelieved and disputed the authenticity of the documentary evidence produced by the applicant. Additionally, he stated that no amount was ever

paid by the applicant for his release and, in fact, he does not even know the applicant personally.

7. Heard the arguments of learned counsel for the parties and perused the material available on the record.

8. As per the facts of the case, the individual allegedly arrested by the police, namely Ali Khan, has himself categorically stated that he was never arrested, but was only called for the purpose of investigation. In such circumstances, if any grievance were to arise from the conduct of the police, it would be for Ali Khan himself to initiate appropriate legal proceedings in accordance with law. However, Ali Khan has clearly denied the applicant's version in its entirety.

9. The second part of the applicant's claim pertains to the alleged payment of money for securing the release of Ali Khan. However, this assertion also stands contradicted, as Ali Khan has denied his arrest and any payment made on his behalf. In the absence of any corroborative evidence from the alleged beneficiary (Ali Khan), and in light of his denial, the claim of the applicant remains unsupported and legally untenable. Furthermore, with regard to the money transaction placed at page No. 55 of the record, it is noted that the transaction was made from the account titled 'Sharif Book Depot' in favour of one Rashid. However, the applicant has failed to establish any nexus between himself and the said account. Moreover, despite alleging the payment of illegal gratification, the applicant has not nominated the beneficiary, Rashid, as an accused in the array of proposed accused persons. This omission further weakens the applicant's version and renders the alleged transaction unproven.

10. The misuse of the provisions of Sections 22-A and 22-B, Cr.P.C. has become a matter of serious concern. It is the prime duty of the Courts to ensure that such misuse is prevented. Applications under Sections 22-A and 22-B, Cr.P.C. should not be entertained lightly or decided in a mechanical manner, particularly when they seek directions to the police for registration of an FIR, investigation, or prosecution of the accused. It has been observed in numerous cases that the provisions of Section 22-A, Cr.P.C. are being increasingly misused, and frivolous litigation has become rampant, placing an undue burden on the Courts and wasting valuable judicial time. It is high time for the Courts to adopt effective measures to curb such uncalled-for and frivolous litigation. In this context Reliance is placed upon the case of *Munawar Alam Khan vs Qurban Ali*

*Malano and others (2024 SCMR 985) and case of Baz Muhammad Khan vs The SP Chamkani Peshawar and others (2022 MLD 1517).*

11. In this background, the instant Criminal Miscellaneous Application is found to be devoid of merit, frivolous, and misconceived, therefore, the same is hereby dismissed.

**JUDGE**

*\*Saleem\**