

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Misc. Application No. S-190 of 2025

Applicant : Noor Ahmed s/o Mehboob Khan Gopang
Through Mr. Ahmed Bux Abro, Advocate.

Proposed accused : Through Mr. A.B.Francis, Advocate

The State : Through Mr. Nazeer Ahmed Bhangwar DPG.

Date of hearing : 30.07.2025

Date of Order : 30.07.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— This Court has before it a Criminal Miscellaneous Application assailing the legality of an Order dated 13.05.2025, whereby the learned 5th Additional Sessions Judge/Ex-Officio Justice of the Peace, Shikarpur, declined to issue a direction for the registration of a F.I.R. as sought by the applicant.

2. The applicant seeks to set in motion the machinery of criminal law based on an incident alleged to have occurred on 22.04.2025. He contends that the proposed accused, armed with deadly weapons, trespassed upon his land, felled three trees, and issued threats of murder. It is argued that after the local police failed to act on a complaint, the applicant rightfully sought recourse from the Justice of the Peace, who, it is claimed, erroneously dismissed his application without a proper appreciation of the facts.

3. However, this narrative does not exist in a vacuum. The learned counsel for the proposed accused has brought to the Court's attention a crucial context: that the parties are cousins and are embroiled in a pre-existing matrimonial dispute. This assertion compellingly reframes the entire matter, suggesting that the attempt to register a criminal case may be an unfortunate escalation of a private,

civil conflict. The learned counsel for the proposed accused has categorically denied the allegations, characterizing them as fabrications, and has importantly given an undertaking before this Court that his clients have not harassed the applicant and harbor no intention of doing so in the future, further signaling a desire to resolve the underlying family issues amicably.

4. The learned Ex-Officio Justice of the Peace, in the impugned order, correctly identified the civil nature of this underlying dispute as the primary reason for exercising restraint. The jurisdiction under Sections 22-A & 22-B of the Cr.P.C. is not intended to be a tool for settling personal scores or gaining leverage in civil or family matters. Its purpose is to remedy police inaction where a cognizable offence is clearly made out, a threshold that has not been met here.

5. Moreover, the very substance of the applicant's complaint suffers from a lack of logical coherence that prevents it from inspiring confidence. The Court must question the plausibility of a scenario where multiple individuals, allegedly armed with lethal weapons and murderous intent, would appear on site only to engage in the mundane act of cutting down three trees. Such conduct strains credulity and does not align with the behavior one would expect from persons genuinely intending to commit a heinous crime. The narrative lacks the internal consistency that would persuade a prudent mind of the commission of a cognizable offence.

6. Therefore, finding that the learned Justice of the Peace acted judiciously and within the settled principles of law by refusing to allow the criminal justice system to be entangled in what is evidently a matrimonial discord, this Court sees no illegality or material irregularity in the impugned order. The assurance given by the counsel for the

proposed accused further mitigates any perceived urgency for coercive police action.

7. In light of the foregoing, this Court is firmly of the view that the application is without substance. Resultantly, this Criminal Miscellaneous Application is dismissed.

J U D G E

Asghar Altaf/P.A