

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. Application No.S-493 of 2024

Applicant : Bashir Ahmed Indhar, through Mr. Manzoor Ali Chohan,
Advocate

Proposed Accused : Asadullah, Jamal, Saadullah, and Ibadullah, through
Mr. Ali Ahmed Khan, Advocate

The State : Through Mr. Muhammad Raza Katohar, Deputy
Prosecutor General

Date of hearing : 08.08.2025

Date of order : 08.08.2025

ORDER

Khalid Hussain Shahani, J:-The applicant assails the order dated 31.08.2024 of the learned Additional Sessions Judge-I / Ex-Officio Justice of Peace, Sukkur, declining the application under Sections 22-A(6)(i) and 22-B Cr.P.C, seeking registration of an FIR in respect of a cognizable offence.

2. The proposed accused and their learned counsel called absent, same has remained position on previous dates of hearings. Persistent absence by counsel for the proposed accused amounts to abandonment of their right to contest. This Court cannot countenance procedural laxity when it results in denial of justice.

3. Heard learned counsel for the applicant and learned Deputy Prosecutor General for the State. The later has conceded to the applicant's submissions.

4. The allegations are grave that on 28.06.2024 at about 10:00 a.m., the proposed accused, with two unknown accomplices, forcibly entered the applicant's residence intending to abduct his son, and then severely beat him. The cries attracted witnesses who rescued the victim, who was promptly referred for medical examination. The medical certificate records Injury No. 1 as "Ghayr Jaifah Hashimah", which clearly falls within Section 337-F (v) PPC, a cognizable offence warranting mandatory police investigation.

5. It is by now well settled that under Section 154 Cr.P.C., the SHO is duty bound to record information relating to a cognizable offence without delay, inquiry or discretion. A police officer cannot refuse or delay the registration of a case, as it is a constitutional violation and a denial of justice.

Registration and investigation of cases are executive processes and are fundamental parts of the criminal system. A police officer has a legal responsibility to register a case as soon as possible after receiving information. Any delay or refusal erodes the very foundation of justice.

6. This court, in *Mst. Bhaitan v. The State* (PLD 2005 Karachi 621), has reiterated that “the Officer Incharge of police station is bound to register FIR under Section 154 Cr.P.C, and has no power to refuse the same if a cognizable offence is made out, whether the information is false or correct”. This principle stands further reinforced by the Peshawar High Court’s jurisprudence in *Salah-ud-Din Khan, SHO v. Noor Jehan* (PLD 2008 Peshawar 53), confirming that compliance with Section 154 Cr.P.C. is mandatory, not discretionary.

7. The record in this case reveals police abdication of duty and reliance on a meritless challenge to the medical certificate, a tactic roundly condemned by the superior judiciary, which holds that registration of FIR is a statutory obligation, and that neither administrative hurdles nor attempts to delay or manipulate medical evidence can be countenanced as grounds for refusing this right.

8. The refusal by the Justice of Peace is thus not only unsustainable in law but constitutes a serious miscarriage of justice. Accordingly, the impugned order dated 31.08.2024 is set aside. The Criminal Miscellaneous Application stands allowed. The SHO, Police Station Cantt, Pano Aqil, is directed to register the FIR strictly as per the verbatim statement of the applicant and to proceed with the investigation in accordance with law forthwith. Compliance shall be reported to this Court through the learned Additional Registrar, and neglect in this regard will be regarded with the utmost seriousness.

9. Application stands disposed of in the above terms.

J U D G E