

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.248 of 2025

Date	Order with Signature of Judge
------	-------------------------------

1. For hearing of main case.
2. For hearing of MA No.3669/2025.

29.08.2025

Mr. Farhanul Hassan Minhas, Advocate for the applicant.
Ms. Amna Ansari, Addl. PG Sindh.

The applicant Muhammad Rafiq, currently ASI at P.S. Mominabad Investigation Branch, Karachi, has impugned the order dated 22.02.2025 passed by the Ex-Officio Justice of Peace in Cr. Misc. Application No.436 of 2025 filed by respondent No.1 Syed Zaighim Abbas. Counsel for the applicant submits that the learned Ex-Officio Justice of Peace passed the impugned order without hearing him and without allowing him to submit relevant information to assist the Court to adjudicate the matter. Further that the police report (available at page 143) was not considered by the Ex-Officio Justice of Peace who proceeded to pass the impugned order.

Learned Addl. PG Sindh submits that based on the documents available on record, it appears that there is an admitted position that the accused in the FIR available on page 29 during the course of investigation was let go by the proposed accused and that as and when that happened certain protocols were available to the police authorities to be followed, that requires investigation starting with recording of statement and in case of lack of cogent grounds, further action may be necessitated for such registration of an FIR against the ASI – Applicant. She submits that the impugned order should be sustained.

I have heard counsel and learned Addl. PG Sindh and considered the material available on record and asked counsel for the applicant if any FIR has been lodged in the matter since the passing of the impugned order in February, 2025, I am apprised that none has approached the concerned police station and no action has been taken following the impugned order. The said impugned order is against a law enforcement officer and the learned Ex-Officio Justice of Peace ordered for the recording of statement under Section 154 Cr.P.C. and registration of an FIR. No interim orders have been passed to suspend operation of the impugned order, yet even after the “prayer for registration” was allowed against a police officer – no FIR has been lodged which to say the least

does not inspire confidence. Once the process begins, it is expected that the matter will be proceeded in accordance with law, which in the present circumstances, perhaps given the background of the matter, is yet to commence.

Given the above, I do not find any defect in the impugned order of the Ex-Officio Justice of Peace. The instant criminal miscellaneous application is dismissed for the above reasons.

JUDGE

Asif