

43 (41)

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Cr. Misc. Appln. No.S-242 of 2021

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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06.10.2021.

1. For orders on office objection.
2. For hearing of Main Case.

Mr. Habibullah G. Ghouri, advocate for the applicant.

Mr. Ali Anwar Kandhro, Addl. P.G.

Mr. Mohsan Bhatti, advocate for the proposed accused.


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Learned Counsel for the applicant has argued that an incident occurred on 22.06.2021 in which it was alleged that the accused had launched an attack on the complainant's son named Majid Ali within the premises of a mosque, in which his father is the 'Pesh Imam'. Allegedly damage was also caused to the property of the Masjid. The father of Majid Ali went to lodge an FIR with the local police station but the concerned SHO ostensibly refused to lodge the same. No reason was given by the SHO to the complainant at that point of time. The complainant approached the learned Justice of Peace, who passed an order on 26.07.2021 dismissing the applicant's prayer outrightly. The learned Justice of Peace based his decision on a report of the District Complaint Redressal Cell, which had concluded that the complaint is a false one and that the same is being made as a counter-blast to FIR No.42/2021 in which the complainant's son Majid Ali is the accused. Learned Counsel for the applicant submits that the right of the complainant to record a statement under Section 154, Cr.P.C has been taken away from him in an arbitrary manner.

2. Learned Counsel for the proposed accused, on the other hand, argues that no such incident took place and that the complainant filed the application under section 22-A and B Cr.P.C with the sole reason to protect Majid Ali from facing the consequences of FIR No.42/2021.

3. Learned Addl. P.G. has argued that the right under Section 154, Cr.P.C. cannot be taken away in the circumstances of the case.

4. I have heard the learned Counsels as well as learned Addl. P.G.

 My observations and findings are as follows.

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5. Section 154, Cr.P.C. provides as follows:-

*"154. Information in cognizable cases. Every information relating to the commission of a cognizable offence if given orally to an officer incharge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf."*

6. It is clear that any person who has information about the commission of a cognizable offence has the right to approach a police station to record his complaint. The police then determines whether a cognizable or a non-cognizable offence has been committed for which the requisite procedure is prescribed in the Cr.P.C. The learned counsel for the proposed accused has been unable to provide any ground which can restrict a person from recording such information. Accordingly, the applicant is at liberty to approach the relevant police station with his complaint after which the police shall act in accordance with law. The police must ensure however that if a cross version of an incident for which an FIR has already been lodged is being given then the principles enunciated in the *Sughra Bibi* case reported at 2018 PLD 595 SC should necessarily be followed.

7. The petition stands disposed of in the above terms.

  
JUDGE