

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. Appln. No. S-485 of 2025

Applicant : Mst. Rajul Khatoon w/o Dhani Bux @ Mithal,
Through Mr. Abdul Rauf Hullio, Advocate

Private Respondent : i) Nazakat Ali Abro (SHO P.S Phuloo)
Nos. 4,5,6,7 & 9 ii) Muhammad Urs Mallah (Police Constable)
iii) Nadir Ali Kalhoro (Police Constable)
iv) Ahmed Bux Khokhar (Police Constable)
v) Zubair Korai (Asst. Sub-Inspector)
Through Mr. Abdul Sattar Mahesar, Advocate

The State : *Through* Mr. Shafi Muhammad Mahar, DPG

Date of hearing : 15.12.2025

Date of order : 22.12.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – Applicant Mst. Rajul Khatoon, invokes the inherent jurisdiction of this court, calling in question order dated 01.08.2025 passed by the learned Additional Sessions Judge, Gambat in Cr. Misc. Appln. No.3271 of 2025, whereby an application under Sections 22-A and 22-B Cr.P.C. filed by the applicant has been dismissed.

2. The facts of the case as pleaded by the applicant are that a bitter and bloody clash exists between respondent Aslam Korai (now complainant in FIR No. 03 of 2025 at PS-Phuloo) and the family of accused Bachal alias Bachu Korai. It is the case of the applicant that when proposed accused No.26, namely Aslam Korai, approached the applicant and asked her to pay Rs.10,00,000/- as financial aid to pursue a murderous clash with the opponent party, the applicant refused on account of her impartiality. The applicant claims that upon such refusal, the proposed accused became annoyed, and thereafter, proposed accused numbers 1 to 6 along with 10 to 11 unknown police constables allegedly trespassed into her house in the early hours of the morning, illegally arrested male members of the family, and wrongfully confined them for 10 to 11 days at an unknown place. The applicant further alleges that on 27.05.2025 at about 4:00 p.m. while she was present in the house along with her son Muhammad Ameen,

relatives, and other inmates, the proposed accused carrying deadly weapons arrived in three police mobiles and one tractor trolley, trespassed into the house of the applicant under gunpoint, and under the instigation of accused Agha Badaruddin and others, initiated an illegal raid, during which they allegedly damaged household articles, looted cash amounting to Rs. 400,000, valuable household articles, clothing, 200 maunds of wheat grain, bags of flour and rice, large iron trunks with clothes and beds, washing machines, sewing machines, a grass cutter machine, gold ornaments, a motorbike, original land documents, livestock including goats, buffaloes and cows, solar plates, inverters, water pumps, diesel engines, roof tiles, batteries, kitchen crockery, and fans from the mosque. The applicant claims that all these materials were loaded onto a tractor trolley and taken away, and further that her tractor trolley and agricultural equipment were also taken. The applicant alleges that the accused set fire to her house, extended threats of murder, and falsely implicated her in murder cases.

3. The applicant accordingly filed a Crl. Misc. Application No. 3271 of 2025 under Sections 22-A and 22-B Cr.P.C before the learned Additional Sessions Judge, Gambat, seeking directions to the SHO PS-Phuloo to record her statement and, if cognizable offences were disclosed, to register an FIR against the proposed accused. The learned Additional Sessions Judge, after obtaining a report from the DSP Complaint Cell, Khairpur, dismissed the application vide order dated 01.08.2025. Aggrieved by this dismissal, the applicant has filed the present application before this Court.

4. During the hearing of the application, learned counsel for the applicant forcefully contended that the learned Additional Sessions Judge had failed to apply judicial mind while disposing of the application. He argued that the Judge had dismissed the application in a hasty and mechanical manner, which was the result of misreading or non-reading of the material on record. Learned counsel further submitted that the learned Judge had placed blind reliance upon the report of the DSP Complaint Cell without applying independent scrutiny and

without recording his own opinion on the merits of the case. He referred to the case law reported as (2007 P.Cr.L.J 909) and submitted that whenever a police officer fails to register a criminal case and a complaint is made to the Justice of Peace under Section 22-A(6) Cr.P.C., the Justice of Peace can issue directions for registration, though it shall be for such officer to determine whether the matter falls under Section 154 or 155 Cr.P.C. The learned counsel further placed reliance on the case of *Khalid Mahmood v. SHO PS-Saddar Jaranwala*, reported as (2011 YLR 2284), wherein it was held that the powers of the ex-officio Justice of Peace under Sections 22-A and 22-B Cr.P.C were very limited, and the Justice of Peace was not supposed to enter into deeper controversy or to embark upon an inquiry to determine the truthfulness or otherwise of the contents of the application. Learned counsel submitted that the recording of statements, collection of evidence, recovery of weapons, and medical examinations could only be done by police after registration of the case. He contended that the Justice of Peace should not have rejected the allegations as false without allowing for a proper investigation to proceed. Learned counsel also submitted that the dismissal of the application would cause irreparable loss, mental torture, and agony to the applicant and her family members.

5. The learned DPG for the State duly assisted by the learned counsel for the respondents, however, opposed the application and submitted that the impugned order was passed after due consideration of the material on record and that the applicant had failed to disclose any genuine grievance which would warrant interference by this Court.

6. Upon hearing the learned counsel for the respective parties and a careful perusal of the entire record placed before this Court, the factual positions that emerge and require consideration. In the first instance, it must be noted that the present applicant, Mst. Rajul Khatoon, is the mother of the accused persons who have been implicated in the triple murder case. The case in question, FIR No. 032025 under Sections 302, 324, 457, 114, 148, and 149 PPC, was originally

lodged on 15.04.2025 by one Aslam Korai at PS-Phuloo on the complaint that his father, Nadir Hussain, his brother, Fayyaz Hussain, and his mother, Mst. Zubaida, had been murdered by accused Bachal alias Bachu Korai and his accomplices, and that his sisters, Mst. Raheema and Mst. Faiza, had sustained firearm injuries. The investigation of this case was conducted by the then SHO PS-Phuloo, SIP Nizakat Ali Abro, under the close supervision of the Regional Police Officer. The investigating officer visited the crime scene, prepared a memo of inspection in the presence of mashirs, recorded statements of eyewitnesses under Section 161 Cr.P.C in which the witnesses supported the version as disclosed in the FIR, collected blood-stained clothes of the deceased and the injured, and sent them for expert opinion to the Chemical Laboratory, Sukkur Rohri. Crime empties were also secured from the place of incident and sent to the Forensic Laboratory at Larkana for expert opinion. The post-mortem reports of all deceased were obtained, as were the provisional medical legal certificates of the injured. An interim challan was submitted on 07.05.2025 before the concerned court.

7. The significant and crucial juncture in the investigation came on 26.05.2025, when the investigating officer recorded further statements of the complainant as well as other prosecution witnesses. In these further statements, the complainant and the witnesses disclosed the names of hitherto unidentified accused as Shakeel Ahmed, Muhammad Yameen alias Yaseen, and Jameel, all sons of Dhani Bux alias Mithal Korai (who is the husband of the present applicant), and Asad Ali son of Karim Bux Korai. These individuals were declared to be involved in the commission of the offence. The statements of these individuals under Section 162 Cr.P.C were duly recorded. Since that date, sincere efforts have been underway for the arrest of the accused persons, and the investigation of the case is being finalized purely on merits.

8. It was only after her sons were implicated in this serious criminal investigation that the applicant filed the present series of applications under

Sections 22-A and 22-B Cr.P.C. seeking directions to the police to record her statement and register an FIR against the police officials and private individuals whom she alleged had carried out an illegal raid on her house, looted her valuables, and set her house on fire. The applicant also filed a parallel application before this Court under Section 561-A Cr.P.C. and subsequently filed a constitutional petition before this Court, all with the avowed intention, as found by the inquiry officer, to pressurize the complainant and witnesses in the murder case and to create obstacles in the lawful investigation into the capital offence.

9. In the course of the inquiry ordered by this Court, which was conducted by DSP-SDPO Gambat on 02.10.2025, statements were recorded from the applicant herself, from the then SHO PS-Phuloo (SIP Nizakat Ali Abro), from police constables, from independent inhabitants of the area, and from other competent witnesses. The inquiry officer, after having heard all parties and considered the relevant record including site inspection and technical evidence such as call data records, submitted a detailed report to this Court. The inquiry report contains the findings of an impartial investigation into the allegations made by the applicant.

10. From the statements recorded during the inquiry, the following emerges with clarity and consistency. The then SHO PS-Phuloo, SIP Nizakat Ali Abro, who is alleged to have led the alleged illegal raid on the applicant's house, categorically denied all allegations of trespass, damage to property, looting, or setting fire to the house. He explained that on 15.04.2025, upon receiving telephonic information from Aslam Korai regarding the triple murder and firearm injuries, he immediately proceeded to the crime scene, completed all medico-legal formalities, arranged for post-mortem examinations, and handed over the bodies to the heirs. He stated that he thereafter followed the proper legal procedure in registering FIR No. 03/2025 and conducting a thorough and lawful investigation. He further deposed that during the course of the investigation, it was the complainant and eyewitnesses themselves who disclosed that the actual

perpetrators were the sons of the present applicant, and their statements were recorded accordingly under Section 162 Cr.P.C. He emphatically denied that he or any police personnel under his command had at any time trespassed into the house of the applicant, looted her valuables, or caused any damage whatsoever to her property or the property of her family members.

11. Similar statements were recorded from other police personnel who were allegedly involved in the purported raid, including PC Muhammad Urs Mallah, PC Nadir Ali Kalhoro, and HC Ahmed Bux Khokhar. All of these officers, without exception, consistently and uniformly denied the allegations made by the applicant. They stated that the police had never trespassed into the applicant's house, had never looted any valuables, and had never caused any damage to property. They further clarified that the applicant had filed these false and baseless complaints and petitions with the sole intention of pressurizing the complainant and eyewitnesses in the murder case and of obstructing the lawful investigation into the capital offence. They explicitly stated that the allegations were fabricated and made only to protect the absconding accused persons from the clutches of law.

12. The inquiry officer, in conducting a detailed site inspection of the alleged damaged property, found evidence indicating that the damage to the applicant's house was not caused by police machinery or police action, but rather was consistent with damage that would be caused by exposure to the elements, including heavy rains and weather conditions. The inquiry officer further scrutinized the call data records and other technical evidence placed before him and found direct contact and communication between the applicant's sons and the accused Bachal alias Bachu Korai, who is known to be a hardened criminal wanted in multiple FIRs for serious offences. This evidence clearly established the nexus and the involvement of the applicant's sons in the events that led to the triple murder.

13. The applicant, during the inquiry, was called to appear and place her version before the inquiry officer. However, the applicant deliberately avoided

appearing before the inquiry officer despite being served with a notice vide office No. DSPCC/886 dated 15.07.2025. She did not appear till 21.07.2025, thereby demonstrating her reluctance to subject herself to cross-examination and to place her case before an impartial inquiry officer. When she finally did appear, she reiterated the same allegations without producing any credible or corroborating evidence such as photographs, videos, or statements from independent third-party witnesses who could have witnessed the alleged raid on her house.

14. This Court must take cognizance of the fact that the applicant's conduct exhibits a clear and deliberate pattern of abuse of the judicial process and the provisions relating to the Justice of Peace. She filed an application under Sections 22-A and 22-B Cr.P.C. only after her sons had been implicated in a heinous triple murder case. She filed multiple complaints and petitions across different forums with the clear intention of pressurizing the complainant and eyewitnesses in the murder case. She avoided appearing before the inquiry officer despite being properly served with notice. She failed to produce any credible evidence to substantiate her allegations of house demolition, looting, and arson. The timing of her applications, the consistency of her allegations despite their denial by all respondents, and her apparent mala fide intention to shield her sons from lawful prosecution all point to an abuse of the judicial process.

15. The law governing the jurisdiction of the Justice of Peace and the scope of interference by the High Court in such matters is well established. In the seminal judgment reported as (PLD 2016 SC 581), the Supreme Court of Pakistan held that whenever a Police Officer fails to register a criminal case, a direction to do so can always be issued by the Justice of Peace under Section 22-A(6) Cr.P.C., though it shall be for such officer to determine whether the matter falls under Section 154 or 155 Cr.P.C. The Supreme Court further held that the Justice of Peace will not undertake a detailed analysis of the allegations and other material and will not record his opinion which could possibly influence the process of investigation. The Supreme Court also held that wide discretion to register or not

to register an FIR does not rest in a police officer, but the Justice of Peace cannot become an instrument for forcing registration of frivolous complaints.

16. The law is clear that the Justice of Peace cannot become an instrument for dismissing frivolous complaints outright without considering the material placed before him. However, the law is equally clear that the Justice of Peace is not obliged to register every complaint that comes before him, and he may certainly dismiss a complaint if the material placed before him, when viewed objectively and from the perspective of a reasonable person, does not disclose even a *prima facie* case of a cognizable offence or if the complaint appears to be made with *mala fide* intention. In the present case, the learned Additional Sessions Judge, having obtained a detailed report from the DSP Complaint Cell and having considered the submissions made by the applicant, came to the conclusion that the application was "hasty and devoid of force." The learned Judge observed that the applicant had failed to produce any material or documentary evidence showing that she had approached the SHO or SSP concerned for redressal of her grievance. The learned Judge further observed that the conduct of the applicant showed that she had filed a false application by misusing the provisions of Sections 22-A and 22-B Cr.P.C. in order to save her sons from the FIR in the murder case. This is not a mechanical or hasty dismissal. This is a reasoned order passed after due consideration of the material on record and with application of judicial mind to the circumstances and facts placed before the learned Judge.

17. This Court has now conducted a detailed inquiry into the allegations made by the applicant, and the findings of the inquiry officer are clear. The inquiry officer, after hearing all parties, considering the statements of police personnel and independent witnesses, and conducting a site inspection along with scrutiny of technical evidence, has concluded that the applicant's allegations are without any credible foundation. The inquiry officer has further concluded that the applicant has deliberately and with *mala fide* intention filed false and

fabricated complaints and petitions with the intention of pressurizing the complainant and witnesses in the murder case and of obstructing the lawful investigation. Furthermore, it must be noted that the applicant has a direct interest in obstructing the investigation into FIR No.03/2025 for the obvious reason that her own sons are now the prime accused in that case. The applicant's allegations, if accepted, would require the police to divert their resources and investigative efforts away from the triple murder case and towards conducting a lengthy investigation into her allegations of house demolition and looting. This would necessarily result in delay and obstruction of the murder investigation. The law does not contemplate that the judicial system should become a tool for accused persons to obstruct the investigation of serious offences by making counter-allegations against the investigating officers.

18. This Court is also mindful of the public policy considerations at stake. If the courts were to entertain every application filed by relatives of accused persons alleging improper conduct by investigating officers, purely on the basis of allegations without credible evidence, the judicial system would become paralyzed, and serious crimes such as murder would go unpunished. The law requires that when allegations are made against investigating officers, they should be made with credibility and with credible evidence to substantiate them. In the present case, the applicant has failed to produce even a single piece of credible evidence. There are no photographs of the alleged damage to her house at the time of the alleged raid. There are no videos. There are no independent witnesses who could testify to the alleged illegal raid. The police party records and logbooks do not show any movement of police personnel to the applicant's house on the date alleged by the applicant. It has been observed that the applicant, by filing these frivolous applications, has not only abused the judicial process but has also wasted the time and resources of this Court. This Court is obliged to consider whether it should impose costs upon the applicant as a measure of deterrence against such abuse of process. However, in the interest of dispensing

justice with lenience, this court refrain from imposing costs at this stage, though must make it abundantly clear that any such conduct in future shall not be viewed with leniency.

19. Upon a careful consideration of all the facts, circumstances, material on record, the findings of the inquiry officer, the statements of witnesses and respondents, and the applicable law, *prima facie* it appears that the impugned order was passed after due application of judicial mind and in accordance with law. The learned Judge had properly considered the material on record, had sought and obtained a detailed report from the competent DSP Complaint Cell, and had come to a reasoned conclusion that the application was frivolous and was filed with mala fide intention to obstruct the lawful investigation into the capital offence. The learned Judge did not err in his finding that the applicant had failed to produce credible evidence or documentary material to substantiate her allegations. The learned Judge was also justified in concluding that the applicant had misused the provisions of Sections 22-A and 22-B Cr.P.C.

20. For the foregoing reasons, this Court is of the view that the present application is wholly devoid of merit and constitutes an abuse of the process of this Court. The impugned order dated 01.08.2025 passed by the learned Additional Sessions Judge, Gambat is hereby affirmed and upheld. The application is accordingly dismissed. No costs are awarded at this stage, but the applicant and her learned counsel are cautioned against filing frivolous applications in future, as such conduct shall invite appropriate action by this Court.

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