

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Misc. Appln. No. S-61 of 2026

Applicant : Mohsin s/o Ayaz Ahmed, Maher

Respondents : The State & 09 others

Date of hearing : 16.02.2026

Date of order : 16.02.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicant has invoked the inherent jurisdiction of this Court under Section 561-A, Cr.P.C., assailing the order dated 22.01.2026 passed by the learned Additional Sessions Judge-II/ Ex-Officio Justice of Peace, Ghotki, whereby the applicant's plea under Sections 22-A and 22-B Cr.P.C seeking direction for registration of FIR was declined.

2. Heard learned counsel for the applicant and perused the record, the impugned order, and the material appended therewith.

3. The gravamen of the applicant's stance is that owing to a matrimonial discord between the contending families, an occurrence allegedly transpired on 24.12.2025 in which the proposed accused unlawfully entered his residence, inflicted injuries upon certain family members, and extended criminal threats. It is alleged that despite approaching the police, no FIR was registered, compelling him to seek recourse under Section 22-A Cr.P.C.

4. The record reveals that the learned Justice of Peace solicited a report from the police, heard both sides, and thereafter dismissed the application while directing that the information be recorded in the Roznamcha and that appropriate action be taken in accordance with law should a cognizable offence emerge.

5. A review of the impugned order evinces that the learned Justice of Peace duly examined the material before him and found the controversy

to be predominantly matrimonial and personal in character, susceptible to embellishment, and therefore fit for inquiry by the police rather than for issuance of a mandatory direction to register FIR.

6. It is trite that powers under Sections 22-A and 22-B, Cr.P.C. are not to be exercised in a routine or mechanical fashion; such directions are warranted only where the facts *ex facie* disclose commission of a cognizable offence and the police's refusal is demonstrably unjustified. Conversely, where the dispute appears civil, domestic or private in nature, the Justice of Peace remains empowered to decline such prayer after due inquiry.

7. Equally settled is the principle that while exercising jurisdiction under Section 561-A Cr.P.C, this Court does not sit in appeal over a reasoned order passed within the bounds of lawful authority. Interference is confined to instances of patent illegality, jurisdictional defect, or manifest perversity, none of which is discernible in the present matter. The learned Justice of Peace acted within jurisdiction, examined the material, and rendered a reasoned determination. The impugned order neither suffers from infirmity nor manifests arbitrariness warranting interference. The applicant, if so advised, may avail himself of remedies provided under the law, including filing a private complaint before the competent forum.

8. What is sought, in essence, is a re-evaluation of facts and substitution of the view of this Court for that of the Justice of Peace, an exercise alien to proceedings under Section 561-A Cr.P.C. No legal, procedural, or jurisdictional error has been demonstrated.

9. For the foregoing reasons, the application being devoid of merit stands dismissed in *limine*.

J U D G E