

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Miscellaneous Application No. S-21 of 2026

Applicant: Ali Muhammad son of Gulan,
Through Mr. Meer Muhammad Nohri,
Advocate.

Private respondents: *Through* Mr. Sikander Ali Kolachi,
Advocate.

Official Respondents: *Through* Mr. Neel Parkash, D.P.G.

Date of hearing: 21-07-2026
Date of order : 30-07-2026

O R D E R

KHALID HUSSAIN SHAHANI, J.: Applicant Ali Muhammad invokes the inherent and equitable jurisdiction of this Court, calling in question the legality, propriety, and sustainability of the order dated 17.01.2026 rendered by the learned Additional Sessions Judge/GBV Court, Khipro, whereby the final report submitted in a case bearing Crime No. 85 of 2025, registered at Police Station Khahi for offence under Sections 458, 364, 365-B, 337-H(ii), 337-A(i), 147, 148 & 149 PPC, was accepted, and the case consigned to Class "C".

2. It is apposite, at the threshold, to reiterate the settled and well-fortified contours of the inherent jurisdiction conferred by Section 561-A, Cr.P.C. This extraordinary power is not an appellate or revisional substitute; it is a jurisdiction of last resort, to be invoked circumspectly and only where the record discloses a manifest abuse of the process of law or where its exercise is

indispensable to secure the ends of justice. It is emphatically not a vehicle through which this Court may be persuaded to conduct a de novo reappraisal of the investigative process merely because a party stands aggrieved by the ultimate conclusion of the Investigating Officer, or by the concurrence recorded thereon by the court of first instance. Where the impugned order bears the imprint of considered application of mind to the material gathered during investigation, and where the grievance advanced essentially beckons this Court into the thicket of disputed factual controversy, the invocation of inherent jurisdiction is neither warranted nor countenanced by law.

3. The narrative advanced by the applicant, as gleaned from the application, is that the injured Muhammad Essa had entered into a valid Nikah with Mst. Mariyat/Maryat, contracted of her own free volition; that owing to the smouldering hostility harboured by her relatives towards this union, the nominated accused forcibly stormed the matrimonial abode during the intervening night of 16.12.2025, abducted the said lady, and inflicted injury upon Muhammad Essa; and that notwithstanding the gravity of these allegations, the Investigating Officer, actuated by mala fide, submitted a false final report under Section 173, Cr.P.C., which report the learned trial court accepted in mechanical and unreflective fashion, without due application of mind to the evidentiary material assembled during investigation. A perusal of the impugned order, however, reveals that the learned court below did in fact advert to the final report submitted by the SHO, Police Station Khahi, and took cognizance of both the prosecution version

and the investigative record, including the statements of the alleged abductee recorded under Sections 161 and 164, Cr.P.C. In those statements, she categorically averred that she had contracted Nikah with Muhammad Essa of her own free will, that she subsequently quit his household of her own accord owing to his cruel and oppressive conduct, that no person had abducted or kidnapped her, and that the FIR alleging her abduction was false and devoid of substance. The record further discloses that the FIR was lodged by Ali Muhammad, alleging that Mst. Mariyat, wife of Muhammad Essa, was forcibly abducted by the accused persons on the night in question, and that Muhammad Essa sustained a head injury upon offering resistance. The applicant's own pleadings underscore the antecedent marriage, the alleged animus of the lady's relatives, and a backdrop of protracted inter-family discord surrounding that union.

4. The record further reveals that, in the course of investigation, the alleged abductee was examined under Section 161, Cr.P.C., and conspicuously declined to lend support to the allegation of abduction. Her consistent position was that she had married Muhammad Essa by choice, that she thereafter departed his household owing to cruelty and maltreatment, and that she was residing with her parents entirely of her own volition. Her statement under Section 164, Cr.P.C. mirrored this narrative in material particulars, and the impugned order expressly records that the learned court below examined the FIR, the 161 statement, and the 164 statement before aligning itself with the opinion of the Investigating Officer favouring Class "C" disposal. The record

additionally contains an application preferred before the Court of the Civil Judge and Judicial Magistrate, Chachro, seeking recordal of a statement under Section 164, Cr.P.C., wherein Mst. Mariyat reiterated that her marriage was contracted freely, that her husband's conduct thereafter turned cruel, that she left voluntarily, that she was a competent adult entitled to determine the course of her own life, and that the abduction narrative was fabricated. The accompanying affidavit echoes these assertions. Though the applicant impugns these proceedings on jurisdictional grounds, they nonetheless demonstrate, in unmistakable terms, that the central witness upon whom the entire edifice of the prosecution case rests declined to endorse the theory of forcible abduction.

5. The medico-legal certificate pertaining to Muhammad Essa does confirm a lacerated wound over the fronto-parietal region and an abrasion upon the chest, the final opinion as to the nature of injuries having been reserved pending expert examination at CMH Hyderabad. The occurrence of some injury is thus not in serious dispute; what remained contested before the investigating agency and the court below was the occurrence, manner, authorship, and attendant factual matrix in which such injury was allegedly inflicted. Learned counsel for the applicant has argued, with considerable vigour, that the impugned order is arbitrary, non-speaking, and contrary to law; that the statements recorded under Section 161, Cr.P.C. lend credence to the FIR version; that the medical evidence discredits the theory, introduced during investigation, attributing the injury to the fall of timber from a straw hut; that the alleged abductee was ferried between forums to

procure a statement favourable to the defence; that the Section 164 statement, recorded at a distant venue, cannot lawfully eclipse the FIR and the corroborating prosecution material; and that acceptance of the cancellation report, absent meaningful notice and hearing to the complainant, has occasioned a grave miscarriage of justice.

6. It has further been contended that, given the specific nomination of the private respondents in the FIR with assigned roles, and the pre-existing hostility surrounding the marriage, the learned court below erred in accepting the final report on the sole strength of the abductee's version. According to the applicant, the material on record was, at the very least, sufficient to warrant restoration of the FIR and a direction for fresh, impartial investigation under a different officer.

7. I have heard learned counsel for the respective parties at considerable length and have subjected the record to anxious and studied scrutiny with their able assistance. Upon such consideration, I find myself unpersuaded that the present case invites interference in the exercise of inherent jurisdiction. The applicant's case, at bottom, rests upon the proposition that the court below mechanically rubber-stamped the police opinion, oblivious to material evidence. A plain and unstrained reading of the impugned order, however, does not sustain so sweeping an assertion. The learned court below recorded the substance of the FIR, noticed the allegations of abduction and injury, adverted to the investigation conducted, and specifically observed that the alleged

abductee, in her statements under Sections 161 and 164, Cr.P.C., had disclaimed abduction and attributed her departure to her husband's cruelty. The order further reflects due consideration of the police papers and the scrutiny report of the learned Assistant District Public Prosecutor prior to concurrence with the recommendation for Class "C" disposal.

8. It is true that the impugned order is terse; brevity, however, is not synonymous with illegality where the reasons, though economically expressed, sufficiently disclose the foundation of the conclusion reached. In matters emanating from police reports, the court concerned is called upon to render a tentative appraisal of the investigative material, it is not obliged, at that stage, to compose a judgment of the character rendered upon final adjudication after trial. Here, the principal witness to the alleged abduction, the abductee herself, not only disowned the allegation of kidnapping but attributed her departure to ill-treatment and affirmed her residence with her parents as a matter of free choice. In such circumstances, it cannot be said that the court below acted without jurisdiction, or in patent disregard of the record, in accepting a police conclusion substantially anchored in the stance of the alleged victim herself.

9. The applicant seeks to surmount this difficulty by contending that the lady acted under duress, that her statement was the product of forum-shopping, and that the recording court lacked territorial competence. This contention, though not wholly devoid of arguability, opens up disputed and mixed questions of fact

incapable of conclusive resolution in summary inherent proceedings on the strength of competing allegations alone. Absent something on the face of the record demonstrably illegal, fabricated, or inherently impossible, this Court would be loath to disturb the impugned order merely because an alternative view of the same material may plausibly be entertained. As to the medico-legal certificate, the presence of injury, without more, does not ineluctably establish the entirety of the prosecution's narrative of house-trespass, armed abduction, common object, and the complicity of every nominated accused. The investigation record, as noted in the impugned order, furnished a competing explanation, attributed to the lady and credited by the Investigating Officer that the injury resulted from the fall of timber from a straw hut. The veracity of that explanation was a matter for assessment by the investigating agency and the competent court in light of the totality of circumstances; the acceptance of one plausible version over another cannot be stigmatised as absurd or impossible so as to attract inherent jurisdiction.

10. Of considerable significance is the fact that the lady, an adult, had, at successive stages, asserted agency over her own choices, the applicant's very case being founded upon her earlier free-will marriage. Once that same adult woman thereafter informed the investigating agency, and reiterated in connected proceedings, that she was not abducted and had departed voluntarily, the investigating agency could scarcely be precluded from according weight to that statement. Whether her later account merits credence is a distinct question; its unfavourable character to the

complainant does not, however, render it legally irrelevant. The grievance founded on alleged denial of notice and hearing has likewise been weighed. Even assuming the complainant merited a fuller opportunity prior to acceptance of the final report, the record does not disclose such patent nullity as would compel annulment of the order under Section 561-A, Cr.P.C. The applicant has availed the present remedy, and this Court has itself examined the substance of the material pressed into service. Upon such examination, no sufficient ground emerges to hold that the impugned order has occasioned an abuse of process or a miscarriage of justice of such gravity as to warrant disturbance.

11. It bears emphasis that inherent jurisdiction is not a vehicle for resuscitating every cancelled case upon the bare assertion of investigative bias. An allegation of unfair investigation, unless fortified by unmistakable material disclosing grave illegality, cannot displace a conclusion grounded in the statement of the star witness and connected documentary material. The present record discloses a deeply fractured matrimonial history, a voluntary marriage, subsequent allegations of cruelty levelled by the lady against her husband, institution of family proceedings for dissolution, and her unequivocal denial of abduction. These circumstances furnished a rational and defensible basis for the investigating agency's opinion that the abduction alleged in the FIR remained unsubstantiated.

12. The applicant has invoked precedent for the settled proposition that police opinion cannot override the statements of prosecution witnesses, and that a court is not bound by the ipse

dixit of the Investigating Officer. This principle admits of no dispute. Every case, however, must be adjudged on its own facts. The distinguishing feature here is that the very person alleged to have been abducted declined to support that allegation and instead furnished a version striking at the core of the prosecution case. The present matter is thus not analogous to those precedents where prosecution witnesses uniformly supported the occurrence and the court below disregarded such support absent significant countervailing material.

13. For the reasons recorded above, I am of the considered, albeit tentative, view that the applicant has failed to demonstrate any jurisdictional infirmity, patent illegality, perversity, or abuse of process in the impugned order dated 17.01.2026 warranting interference by this Court in the exercise of its inherent powers under Section 561-A, Cr.P.C. The material gathered during investigation, particularly the stance of the alleged abductee reflected in her Section 161/164 statements and connected proceedings, furnished sufficient basis both for the Investigating Officer's recommendation and for the concurrence recorded by the court below. The grievances raised by the applicant pertain predominantly to factual appreciation and disputed inference, matters for which inherent jurisdiction is neither the ordinary nor the appropriate remedy.

14. Consequently, this Criminal Miscellaneous Application is dismissed, and the impugned order dated 17.01.2026 passed by the learned Additional Sessions Judge/GBV Court, Khipro,

accepting the final report in FIR No. 85 of 2025, Police Station Khahi, and disposing of the case in Class "C" is maintained. It is clarified that the observations herein are tentative in character, confined strictly to the adjudication of this application, and shall not prejudice any remedy otherwise available to the parties in accordance with law.

J U D G E

Adnan Ashraf Nizamani