

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. App. No. S – 292 of 2026

(Kareem Bux Bhambhro & another v. The State & others)

Date of hearing : 27.07.2026

Date of decision : 27.07.2026

Mr. Irshad Ali Ghanghro, Advocate for applicants.
Mr. Abdul Ahad Buriro, Advocate for respondent No.4.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

ORDER

Arbab Ali Hakro, J. – Through this criminal miscellaneous application under Section 561-A Cr.P.C., the applicants / accused, namely Kareem Bux son of Khair Muhammad and Sher Muhammad alias Sher Raja son of Kareem Bux, both by caste Bhambhro, have impugned the order dated 21.04.2026 passed by learned Additional Sessions Judge-IV (H) / Ex-Officio Justice of Peace, Sukkur, in Criminal Miscellaneous Application No.1031 of 2026, whereby the application filed by respondent No.4 under Sections 22-A & 22-B, Cr.P.C. was allowed and the SHO, Police Station Salehpat, District Sukkur, was directed to record the statement of respondent No.4 under Section 154, Cr.P.C. and, if a cognizable offence was made out, then to take legal action in accordance with law.

2. The brief facts of the case are that respondent No.4 / complainant, namely Saleem, son of Ajeeb Gul, filed an application under Sections 22-A & 22-B, Cr.P.C., before the learned Additional Sessions Judge-IV (H) / Ex-Officio Justice of Peace, Sukkur, seeking directions to the SHO, Police Station Salehpat, District Sukkur, to record his statement under Section 154, Cr.P.C. and, if the information disclosed a cognizable offence, to take legal action in accordance with law. It was alleged by the complainant that he was working at Engro Dairy Farm, Nara, Taluka Salehpat, and that when he demanded his salary, the proposed accused persons became annoyed with him and began threatening him. It was further alleged that on 31.03.2026 at about 09:00 a.m., the proposed accused persons subjected him to torture for about three hours, recorded the incident on video, threatened dire consequences, tore his clothes, expelled him from

the office, and terminated his employment. It was also alleged that despite approaching the police authorities and submitting an application before the SSP, Sukkur, no FIR was registered, compelling him to invoke the jurisdiction of the learned Ex-Officio Justice of Peace.

3. Learned counsel for the applicants contended that the impugned order dated 21.04.2026, passed by the learned Additional Sessions Judge-IV (H) / Ex-Officio Justice of Peace, Sukkur, is illegal and contrary to settled principles governing jurisdiction under Sections 22-A & 22-B, Cr.P.C. He argued that respondent No.4 has falsely implicated the applicants due to mala fide intentions and as a counterblast to a legal notice dated 11.04.2026 issued by applicant No.2 regarding defamatory content circulated on social media. Learned counsel further contended that the allegations levelled by respondent No.4 were thoroughly inquired into by the DSP Complaint Cell, Sukkur, which, after examining the parties and available material, found the allegations to be false and not proved; however, the said inquiry report and police report were not properly considered by the learned Ex-Officio Justice of Peace. It was contended that the alleged occurrence relates to an employment dispute concerning salary and termination from service, which has been given a criminal colour in order to harass the applicants. Learned counsel further argued that there is an unexplained delay in approaching the authorities, no medical evidence or independent corroboration has been produced, and the allegation that the applicants themselves recorded the alleged incident is inherently improbable. It was lastly submitted that the learned Ex-Officio Justice of Peace failed to provide proper opportunity of hearing and passed the impugned order without application of judicial mind; therefore, the same is liable to be set aside.

4. Learned counsel for respondent No.4 contended that the impugned order dated 21.04.2026 was passed strictly in accordance with law, as the allegations disclosed a cognizable offence within the meaning of Section 154, Cr.P.C. He submitted that the complainant was subjected to brutal torture for several hours, his clothes were torn, threats of murder were extended, and the incident was recorded on video, which was produced before the Court. It was argued that despite approaching the police

authorities and even submitting an application before SSP Sukkur, no FIR was registered, thereby compelling respondent No.4 to invoke the jurisdiction of the learned Ex-Officio Justice of Peace.

5. Learned Additional Prosecutor General supported the impugned order, submitting that the allegations levelled by respondent No. 4 are of serious nature, involving torture, threats of murder, and unlawful termination from employment. He argued that the police authorities were bound under Section 154, Cr.P.C. to proceed in accordance with law upon receipt of information disclosing a cognizable offence, and that their failure to do so justified the intervention of the learned Ex-Officio Justice of Peace. He further submitted that the inquiry report of the DSP Complaint Cell cannot override the statutory duty of the police to act in accordance with Section 154, Cr.P.C., as such inquiry is not a substitute for investigation under Chapter XIV, Cr.P.C. Learned Additional P.G. contended that the applicants' plea of mala fide and counterblast to a legal notice is a matter to be examined during the investigation, and cannot be a ground to deny action in accordance with Section 154, Cr.P.C. He prayed for dismissal of the instant application.

6. Heard arguments and perused the record.

7. It is manifest that the controversy arises from allegations of torture, threats and unlawful termination of employment. The complainant has consistently alleged that he was subjected to physical violence for several hours, that his clothes were torn, that threats of dire consequences were extended and that the incident was recorded on video. He further alleged that, despite approaching the police authorities, no action was taken on his information under Section 154, Cr.P.C., compelling him to seek directions under Sections 22-A and 22-B, Cr.P.C.

8. The applicants, on the other hand, contend that the allegations are false, malafide, and concocted as a counterblast to a legal notice regarding defamatory content circulated on social media. They rely on the inquiry report of the DSP Complaint Cell, which concluded that the allegations were not proved and that the complainant was terminated for misconduct and social media activities. They further argue that the dispute

is essentially civil in nature, relating to employment and salary, and has been given a criminal colour.

9. The law on this point is well settled. Section 154, Cr.P.C. imposes a mandatory duty on the officer in charge of a police station to proceed in accordance with law upon receipt of information disclosing a cognizable offence. The jurisdiction of the Ex-Officio Justice of Peace under Sections 22-A and 22-B, Cr.P.C. is supervisory and remedial, designed to ensure that this statutory duty is not evaded. The Ex-Officio Justice of Peace is not required to conduct a detailed inquiry into the truth or falsity of the allegations; rather, he is to examine whether the information prima facie discloses a cognizable offence. If it does, directions in accordance with Section 154, Cr.P.C. are warranted, leaving the matter to be investigated in accordance with law.

10. In the present case, the allegations of torture, threats of murder, and unlawful expulsion, if taken at their face value, disclose cognizable offences under the Pakistan Penal Code. The existence of a counter-blast legal notice or an inquiry report by the DSP Complaint Cell may be relevant during the investigation, but cannot be a ground for denying action in accordance with Section 154, Cr.P.C. The inquiry report itself acknowledges that both parties produced USBs and documents, indicating disputed facts requiring investigation. The Ex-Officio Justice of Peace rightly directed the SHO to record the statement of the complainant and, if a cognizable offence was made out, to take legal action in accordance with law. Such direction is conditional and does not amount to a finding of guilt against the applicants.

11. The plea of malafide, delay, and absence of medical evidence are matters to be examined during the investigation and trial, not at the stage of proceedings under Section 154, Cr.P.C. The jurisdiction under Section 561-A, Cr.P.C., is to be exercised sparingly to prevent abuse of the process of law, but in the present case, no such abuse is made out. On the contrary, setting aside the impugned order would perpetuate the arbitrary refusal of the police to act in accordance with Section 154, Cr.P.C. **in cases where** information disclosing a cognizable offence is laid

before them, which is contrary to the constitutional guarantee of access to justice.

12. For the foregoing reasons, the instant criminal miscellaneous application is devoid of merit and is accordingly **dismissed**. The impugned order dated 21.04.2026, passed by the learned Additional Sessions Judge-IV (H) / Ex-Officio Justice of Peace, Sukkur, is maintained. The SHO, Police Station Salehpat, District Sukkur, shall record the statement of respondent No.4 under Section 154, Cr.P.C. If a cognizable offence is made out, legal action shall be taken in accordance with law. Needless to observe that the applicants shall be entitled to avail all remedies available under law during the investigation and trial, and nothing contained herein shall prejudice their defence.

J U D G E

Abdul Basit