

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-519 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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12-08-2026

Mr. Ayaz Ali Leghari, advocate for the applicant.

The applicant/proposed accused, Muhammad Sharif, is aggrieved by the order dated 28.07.2026 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad.

Learned counsel for the applicant submits that an FIR No.242/2025 under Section 489-F PPC stands registered at P.S. A-Section, Latifabad, filed by Mohammad Sharif, caste Pathan (the present applicant/proposed accused) against Qazi John s/o Yousuf Masih (presumably the husband of the respondent no.5/complainant). He contends that the wife of Yousuf Masih filed the above false criminal msc. appln. against the proposed accused before the Ex-Officio Justice of Peace as a counter-blast to the above FIR, and that the complaint is mala fide.

Heard counsel and perused the record. From the material available on record, the respondent No. 4, Mst. Saima w/o Younus Masih, contended before the learned Ex-Officio Justice of Peace that on 23.07.2026, the applicant/proposed accused, allegedly along with 3/4 unknown persons, apparently duly armed with pistols, was said to have entered into the house of the respondent no.5/complainant and used criminal force against the complainant and her daughters.

I have gone through the impugned order dated 28.07.2026 and, based on information available on record, primarily, learned counsel for the applicant apprehends that an FIR may be registered against the applicant. However, in my considered view, such apprehension appears to be misconceived in light of the judgment of the Honourable Supreme Court of Pakistan in “Syed Qamber Ali Shah v. Province of Sindh and others” (2024 SCMR 1123), particularly paragraph No. 7, wherein it has been observed that the mere recording of a statement does not amount to the registration of an FIR. The Cr.P.C. and the Police Rules provide ample guidance to the police authorities for determining whether the information discloses the commission of an offence and, if so, whether such offence is

cognizable or non-cognizable. The police officer concerned is required to proceed in accordance with law in either situation, including where the information is found to be false. The present case is no different. The concerned SHO is expected to independently apply his mind and proceed strictly in accordance with law, including make out whatever it is worth of the relationship between the two Masih: (i) Yousuf Masih (mentioned in FIR No.242/2025) and Younus Masih the husband of the complainant/respondent no.5. It is expected that the SHO shall conduct the process in a fair, neutral, professional, and competent manner and shall not arrest any person without availability of any evidence of his culpability. In the circumstances, the contours of Sections 22-A & 22-B CrPC appear to have been triggered. I do not find any reason to interfere in the impugned order.

Consequently, the instant Criminal Miscellaneous Application, along with the listed applications, stands dismissed in the above terms.

J U D G E

Irfan Ali