

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc Application No.S-304 of 2026.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.
 For hearing of main case.

17.09.2026.

Mr. Muhammad Hanif Kalhoro, Advocate for Applicant.

Mr. Ghulam Mustafa Burdi, Advocate for proposed accused No.1.

Ms. Sana Memon, Assistant Prosecutor General, Sindh.

Applicant/complainant Mst. Zakia, daughter of Mazhar Iqbal, is aggrieved by the order dated 06.05.2026 passed by the Additional Sessions Judge-IV/Ex-Officio Justice of Peace, Shaheed Benazirabad in Cr. Misc Application No.1384 of 2026.

The learned counsel for the applicant/complainant (Mst. Zakia) contends that in spite of a clear incident having taken place on 27.04.2026 at 2300 hours involving the alleged fist fight, etc., including, inter alia, that the said event was corroborated by the final MLC dated 30.04.2026, which was available on record, the Ex-Officio Justice of Peace completely disregarded such information and dismissed the application filed by the applicant/complainant vide the impugned Order dated 06.05.2026.

Learned counsel for the respondent/proposed accused No.1 (Shoaib Lakhmir) has vehemently opposed the contention of the counsel for the applicant/complainant and submits that the entire event is a sham and a counterblast on the part of the family of the applicant/complainant to wriggle out of their financial obligations payable to the respondent/proposed accused No.1. Counsel argues that the applicant/complainant has concocted the events, which never took place. Hence the impugned order passed by the Ex-Officio Justice of Peace is proper and in accordance with law.

Learned A.P.G. submits that, given the background of the case and final MLC, It was the prerogative of the police to record the statement of the applicant/complainant, and the latter has a good case for recording of statement with the police.

Heard learned counsel and learned A.P.G. I have gone through the Impugned order dated 06.05.2026, the final MLC dated 30.04.2026, and the memo of Cr. Misc. Application listed before the Ex-Officio Justice of Peace. Based on the information available on record, and the alleged facts as set out by the Counsel in their submission, a case is made out to trigger the provisions of Section 22-A & 22-B Cr.P.C. As per law, any person who has information of an offence committed is entitled to provide such information to the police station concerned. Once such information is provided, it is up to the police officer to determine whether any offence is disclosed and, if so, whether the offence is cognizable or non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officials for proceeding in either situation, as well as situations involving false information.

For the above reasons, I hereby direct the concerned SHO to record the statement of the applicant (Mst. Zakia) with the caveat that the police officer shall apply his own mind and act in accordance with law. It is also hoped that the concerned officer shall behave in a neutral, competent, and professional manner and shall not arrest any person without evidence of his culpability.

Accordingly, the instant Cr. Misc Application stands allowed in the above terms.

Sd—Jawad Akbar Sarwana
Judge