

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc Application No.S-477 of 2026

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objections.
For hearing of main case.
For hearing of M.A No.6511/26.

22.09.2026.

Malik Muhammad Haroon, Advocate for Applicant.
Mr. Aslam Pervez Sipio, Advocate for Respondent No.3.
Mr. Khalid Hussain Lakho, Deputy Prosecutor General, Sindh.

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The applicant/proposed accused No.2 (More Sangrasi s/o Gul Muhammad) is aggrieved by the order dated 01.08.2026 passed by the Additional Sessions Judge/Ex-Officio Justice of Peace, Hala, in Cr. Misc. Application No.792 of 2026, directing the concerned SHO to record the statement of respondent No. 3/complainant, Imam Bux s/o Muhammad Usman Sangrassi. When the applicant/proposed accused No.2 filed this challenge in the (High) Court on 05.08.2026, this bench, on 06.08.2026, suspended the aforesaid impugned Order till the next hearing date, and such suspension remains in force to date.

Learned counsel for the applicant/proposed accused no.2 contends that the respondent no.3/applicant-Imam Bux, who is a close relative and resident of the same village, i.e. Village Sangrasi Abad, Tehsil Hala, District Matiari, has alleged that a crime took place on 10.05.2026 at about 09:30 a.m.; however, the respondent no.3/complainant had admitted in his Memo of the Cr. Misc. Appln. filed before the Ex-Officio Justice of Peace that he had approached the SHO after considerable delay. Further, even thereafter, it took the respondent no.3/complainant, another 11 days to approach the Ex-Officio Justice of Peace. Thus, he argued that the respondent no.3/complainant's claims were hit by latches and malafide. Finally, Counsel relied on the police report submitted to the Ex-Officio Justice of Peace, wherein the police mentioned that the alleged dispute between the parties is/was civil in nature.

Learned counsel for respondent No.3/complainant-Imam Bux contended that there is no delay in filing this complaint before the Ex-Officio Justice of Peace and that even otherwise, there is no specific denial by the proposed accused before the police, concerning the cutting of the babul trees or taking them away in a tractor or setting fire to the respondent no.3/complainant's hut. Therefore, sans any denial by the applicant/proposed accused no.2, the respondent no.3/complainant's information stood admitted and good cause was made out for recording of statement. Finally, the civil dispute is/was an entirely different matter from the alleged crime that took place on 10.05.2026.

Learned D.P.G. concurs with the inordinate delay in filing the complaint and submits that no case is/was made out for recording the statement of respondent no. 3/complainant.

I have heard the learned counsel and D.P.G. and gone through the impugned order dated 01.08.2026. The reason for the delay in approaching the Ex-Officio Justice of Peace is set out in paragraph No.3 of the said memo, wherein it has been disclosed that the respondent no.3/complainant when the incident took place on 10.05.2026, had in fact promptly submitted an application to the SHO Bhatt Shah on the very said date, but the SHO did not act promptly until 13.07.2026, when he declined to lodge an FIR. The materiality of the delay, be it in reporting and/or in the response on the part of the SHO, was not relevant given the facts and circumstances of the case, and the Ex-Officio Justice of Peace rightly disregarded the implication of such delay for the reason that it was outside the scope of the powers available under Section 22-A & 22-B Cr.P.C. Under law, any person who has information about an offence is entitled to provide such information to the concerned police station. 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 on how to proceed in either situation, as well as where false information has been provided.

In the circumstances, the Ex-Officio Justice of Peace, based on the information available, rightly concluded that the provisions of Sections 22-A & 22-B Cr.P.C. were triggered in the facts and circumstances of the case. The direction to record the statement does not necessarily lead to registration of an FIR, as argued by the applicant/proposed accused no.2. Accordingly, the impugned order dated 01.08.2026 is sustained with the caveat to the concerned police officer, who shall record the statement of the respondent no.3/complainant, to apply his own mind and act in accordance with law. Further, the SHO concerned shall deal with the matter in a competent, neutral, objective, and professional manner and shall not arrest any person without evidence of his culpability.

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

Sd---Jawad Akbar Sarwana
Judge