

# THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

## Crl. Miscellaneous Application No.S-411 of 2026

Applicant: Muhammad Iqbal s/o Muhammad Shahzad  
Through M/s Tahir Nisar Rajput and Syed Munawar Ali Shah,  
Advocates

The State: Through Mr.Siraj Ahmed Bijarani, A.P.G a/w ASI  
[Respondents No.1 to 3] Mehmood Alam, PS: "A" Section, Latifabad, Hyderabad

Proposed accused: Rizwan and Shoaib Akhtar present in person

Date of Hearing: **07-09-2026**

Date of Order: **07-09-2026**

### **ORDER**

**ABDUL MOBEEN LAKHO-J**, Through the instant Criminal Miscellaneous Application under section 561-A Cr.P.C, the applicant has assailed order dated 15.06.2026, passed by the learned 1<sup>st</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, whereby his application under section 22-A(6)(i) Cr.P.C. seeking direction for registration of FIR was dismissed.

2. Briefly, the facts are that the applicant claimed that a water pump installed at his plot situated at Fatima Jinnah Colony, Unit No.11, Latifabad, Hyderabad, was stolen and that despite approaching the concerned police as well as the SSP Complaint Cell, his FIR was not registered. He, therefore, approached the learned Ex-Officio Justice of Peace, who, after calling reports from the police and examining the material placed before him, declined the relief through the impugned order while observing that the applicant could avail the remedy of a private complaint.

3. Learned counsel for the applicant contended that the allegations disclosed commission of a cognizable offence, therefore, the police were bound to record the applicant's statement under section 154 Cr.P.C. He argued that the learned Ex-Officio Justice of Peace erred in relying upon the police report instead of directing registration of the case. During arguments,

however, learned counsel described the allegedly stolen article as a water machine used for cutting bangles.

4. Learned A.P.G, supported the impugned order and submitted that the learned Ex-Officio Justice of Peace had passed a reasoned order after considering the police reports and material available before him. He further submitted that no illegality or jurisdictional defect had been pointed out warranting interference by this Court under section 561-A Cr.P.C.

5. I have heard learned counsel for the parties and examined the available record. The jurisdiction of an Ex-Officio Justice of Peace under section 22-A(6) Cr.P.C. is quasi-judicial and is not to be exercised mechanically; rather, the material placed before the Court is required to be examined with due application of mind.

6. In the present case, the applicant, in his original application, described the allegedly stolen article merely as a water pump, without giving its make, model, serial number or any other identifying particulars. The impugned order records it as a two-horse water motor, whereas during arguments before this Court it was described as a water machine used for cutting bangles. This variation in the description and nature of the allegedly stolen article, though not conclusive of the truth or otherwise of the occurrence, is a relevant circumstance while examining whether the impugned order calls for interference. Besides, the applicant admittedly learnt about the alleged occurrence through his rentee, while the police inquiry did not support his version.

7. Learned Ex-Officio Justice of Peace had called for the relevant reports, considered the material placed before him and thereafter declined to issue a direction for registration of FIR, leaving the applicant to avail the remedy of a private complaint. The Hon'ble Supreme Court in **Mst. Madiha Bano v. Senior Superintendent of Police, Complaint Cell South Karachi and others** (2025 SCMR 1435) has maintained refusal of such relief where the material

did not justify a direction for registration of a criminal case, while leaving the aggrieved person to avail an appropriate remedy under the law.

8. In these circumstances, the impugned order does not suffer from any patent illegality, jurisdictional defect or material irregularity warranting interference in the inherent jurisdiction of this Court. Accordingly, the instant Criminal Miscellaneous Application, being devoid of merit, is **dismissed**. The applicant shall, however, be at liberty to avail the remedy of a private complaint, if so advised, which shall be decided independently and strictly in accordance with law.

**JUDGE**

AHSAN K. ABRO