

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Cr. Misc. Application No.S-534 of 2026

[Pir Irshad Ali Shah vs. SSP Dadu and Others]

Applicant by : Mr. Aayatullah Khuwaja advocate

Respondents by : Mr. Meer Muhammad Buriro advocate

State by : Mr. Khalid Hussain Lakho D.P.G

Date of Hearing : 08.10.2026

Date of Decision : 08.10.2026

ORDER

JAWAD AKBAR SARWANA J:- Pir Irshad Ali Shah S/o Syed Khuwaja Ubedullah Shah - applicant/complainant is aggrieved by the Order dated 12.08.2026 passed by learned Additional Sessions Judge-II/Ex-Officio Justice of Peace Dadu in Criminal Miscellaneous Application No.1669 of 2026.

2. Counsel for the applicant/complainant contends that the alleged incident took place on 05.05.2026 proximately at 04:00 pm while attending the official duty outside the premises of the District and Sessions Court Dadu. Counsel contends that inspite of documentary and electronic record submitted, which constituted sufficient information to trigger the provisions of Section 22-A & B Cr.P.C, the learned Ex-Officio Justice of Peace dismissed the complaint.

3. Counsel for the respondents/proposed accused submitted that the entire complaint is malafide and the applicant/complainant is involved in several FIRs which are currently registered at P.S Moro District Naushahro Feroze. He contends that the proposed accused are not located in Moro and are located in Dadu.

4. Learned Deputy Prosecutor General supports the impugned Order.

5. Heard counsel for the parties and perused the impugned order.

6. During the course of the arguments counsel for the applicant/accused has relied on paragraph-17 of the memo of complaint/criminal miscellaneous application, which was pending before the learned Ex-Officio Justice of Peace and contended that material had

been produced before the said Court alongwith the application and was available on record for the Ex-Officio Justice of Peace; however, the concerned Justice of Peace still proceeded to discard such information and passed the impugned Order. I have gone through the impugned Order dated 12.08.2026. As per law any person who has an information of an offence having been committed is entitled under the law to provide such information to the police officer of the concerned P.S. Once such an information is provided, it is up to the Police Officer to determine whether any offence is revealed and in the event an offence is revealed, whether it is cognizable or non-cognizable. The Criminal Procedure Code and the Police Rules provide ample guidance to the police authorities to proceed in either situation as well as the situation where false information is provided.

7. In the present case the R&Ps of the complaint/criminal miscellaneous application and the index available on record at Sr. No.7 mentions USB + photographs + orders of High Court. These photographs are still images from the USB. The Ex-Officio Justice of Peace in the impugned Order while addressing the video and electronic data proceeded to take deep dive into the material and information. These observations concerning forensic matter is expressed in the last paragraph of the impugned Order on page two.

8. In the circumstances it is not the domain of the Ex-Officio Justice of Peace to give such detailed analysis and carry out forensic of an alleged crime. This aspect is best left to the executive police authorities. Indeed, it is police officer who is supposed to apply his mind and record information and act upon it in accordance with law. In the present case, the Ex-Officio Justice of Peace stepped outside the powers available to him under Section 22-A & B Cr.P.C.

9. Given the above, as this matter concerns serving police officials, the concerned SHO in Dadu is directed to record the statement of the applicant/complainant and then act in accordance with law. It is hoped and expected that the SHO concerned shall behave in a neutral and professional manner and shall not arrest any person without availability of any evidence as per his culpability.

10. Instant criminal miscellaneous application stands disposed of in the above terms. Office to return the original R&Ps to Ex-Officio Justice of Peace.

JUDGE