

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Miscellaneous Application No.S-412 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Jameel Ahmed S/O Amanullah Junejo
Through Mr.Abdul Sattar Mahessar, Advocate.

The State: **Through Mr. Muhammad Raza Katohar, DPG.**

Respondent No.3: Hubdar Ali S/O Hussain Bux Juenjo
Through Mr.Rukhsar Ahmed Junejo Advocate.

Date of hearing & order: 14.10.2026.

Suresh Kumar J:- Through this Criminal Misc. Application under Section 561-A, Cr.P.C, the applicant Jameel Ahmed Junejo has impugned the Order dated 12.06.2026 passed by learned 2nd.Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur in Crl; Misc. Application No.2376 /2026 (Re. Hubdar Ali v. The State and others), thereby allowed the application of respondent No.3, under section 22-A-& 22-B Cr.P.C. for registration of FIR.

2. The facts leading to this application indicate that the complainant/respondent No.3 Hubdar Ali filed above referred Crl. Mic. Application under section 22-A & 22-BCr.P.C before learned Sessions Judge, Khairpur which was transferred to learned 2nd.Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur, wherein he has stated as under:

“The complaint states that on May 26, 2026, at approximately 7:00 AM, while I was present on my land bearing Survey Nos. 201 and 1723, situated in Deh Khanpur, the accused—1) Faiz Muhammad, 2) Shoukat Ali armed with a lathi, 3) Shahid Ali armed with a Sunda (date palm stick), 4) Saleem Ali armed with a lathi, 5) Jameel Ali armed with a hatchet, 6) Nadeem Ali armed with a hatchet, and 7) Zahid armed with a pistol—approached me. At the instigation of accused Faiz Muhammad, they pointed their weapons at us and attempted to attack me, issuing threats regarding my failure to vacate my own land. Upon my cries for help, neighbors/villagers Asif, son of Muhammad Ramzan Junejo, and Ghulam Farooque, son of Ghulam Qadir Junejo, and others came running. The accused, upon seeing them, fled while continuing to threaten that they would murder me next time if I did not vacate my land in their favor and if I pursued the suit filed by accused Zahid Junejo. Subsequently, a Criminal Miscellaneous Application was filed seeking directions for the registration of an FIR by

respondent No. 3, which was granted by an order dated June 12, 2026”.

3. This order is now being challenged by the applicant through this Criminal Miscellaneous Application”.

4. The learned counsel for the applicant has contended that the impugned order dated June 12, 2026, passed by the learned 2nd Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur, is contrary to law and equity and is therefore liable to be set aside. He has also argued that there is a civil nature dispute between the parties and that no material has been brought on record to show that the alleged threats were extended by the applicant party to the complainant/respondent. Furthermore, he has argued that the complainant has attempted to convert the civil nature dispute into criminal litigation with mala fide intent in order to pressurize the applicant party, a fact that was not considered by the learned 2nd Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur, while passing the impugned order. Lastly, he has contended that the impugned order dated June 12, 2026, is liable to be set aside.

5. The learned Deputy Prosecutor General (P.G.) of Sindh has contended that the police report indicates that no such offence was committed. He has also contended that the learned 2nd Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur, has not considered the civil dispute between the parties. Lastly, he has contended that the complainant/respondent No. 3 filed the instant Criminal Miscellaneous Application with mala fide intent and does not support the impugned order passed by the learned 2nd Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur.

6. Learned counsel for complainant/respondent No.3, has contended that the police is bound to register the FIR under Section 154 of the Code of Criminal Procedure (Cr.P.C.) for a cognizable offence. He has also asserted

that the applicant party had issued threats to respondent No.3. Lastly, he has contended that the learned 2nd.Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur has rightly directed the Station House Officer (SHO) to record the statement of the complainant.

7. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned Deputy Prosecutor General (DPG), as well as the complainant, and having perused the relevant material, it is evident from the examination of the impugned order dated June 12, 2026, that there is an ongoing civil nature dispute over land, specifically in the form of Civil Suit No. 243/2023 between the parties. The allegations of threats to attack the complainant are not supported by any substantive material in light of the ongoing civil litigation between the parties. The record further reveals that the concerned Station House Officer (SHO) has also provided an adverse report against the complainant/respondent No. 3. Therefore, mala fide intent on the part of the complainant/respondent No. 3 has been established, which was not considered by the learned 2nd Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur, while passing the impugned order.

8. It is well settled law that the Ex-officio Justice of Peace has authority to refuse to issue direction or registration of FIR, if the application is found to be motivated by mala fide as per available record. In similar circumstances, the Honourable Supreme Court in the case of Munawar Alam v. Qurban Ali Malano (2024 SCMR 985) has held that there are many precedents regarding misuse of provisions of Section 22-A and 22-B Cr.P.C. and it is the prime duty of the Court that such misuse be taken care and application filed should not be lightly entertained and decided in a mechanical manner for issuing direction to the Police. Similar view has been taken by Honourable

Supreme Court in the case of Jamal Khan v. Secretary Home Department (2021 SCMR 468).

9. Moreover, the Honourable Supreme Court in the case of Yonis Abbass vs. Additional sessions Judge, Chakwal (PLD 2016 581) has held that functions of Ex-official justice of Peace performs are not executive, administrative or ministerial inasmuch as he does not carry out, manage or deal with things mechanically. His functions are described in clause (i), (ii) and (iii) of Sub-Section 6 of Section 22-A Cr.P.C are quasi-judicial as he entertains applications, examine the record, hears the parties, passes orders and issue directions with due application of mind. Every *lis* before him demands discretion and judgment.

10. In the present matter, the material demonstrates that matter arises out of property contest and criminal legal machinery is being invoked pressure, harass and circumvent civil adjudication but justice of peace has ignored the said fact. Even the mala fide is apparent on the part of the complainant/respondent No.3.

11. For the reasons given above and guidance taken from the cited case law, the instant Crl. Misc. Application is allowed. Consequently the impugned order dated 12.06.2026, is set-aside, while application under section 22-A & 22-B Cr.P.C. filed by the complainant/respondent No.3 is dismissed.

JUDGE