

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Misc: Application No.S-435 of 2023

Crl. Misc: Application No.S-508 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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Date of hearing: 23.04.2026

Date of Order: 23.04.2026

Date of reasons: 17.10.2026

Syed Tarique Ahmed Shah, Advocate for applicant in Crl. Mis: Application No.S-435/2023 and for respondents No.3, 5, 6 and 7 in Crl. Misc: Application No.S-508/2023

Syed Ilyaseenzafar, Advocate for respondents in Crl. Misc: Application No.S-435/2023 and for applicant in Crl. Misc: Application No.S-508 of 2023

Ms.Sana Memon, A.P.G for the State

Counsel for applicant Syed Pervaiz Ali Shah in Crl. M.A No.S-435/2023, is aggrieved by the order dated 13.06.2023, passed by the II-Additional Sessions Judge, Tando Allahyar/Ex-Officio Justice of Peace, in Crl. M.A No.396/2023, whereas counsel for applicant Syed Meeral Shah in Crl. M.A No.S-508/2023, is aggrieved by the order dated 26.06.2023 of the same Sessions Judge/Ex-Officio Justice of Peace in Crl. M.A No.361/2023, contends that the applicant had made an application under Section 22-A (6) (i) Cr.PC, for registration of FIR which was denied and proceedings under Section 182 PPC, have been instituted against the applicant which is/was beyond the powers of the Ex-Officio Justice of Peace.

Heard Counsel.

It is a trite principle of law that the powers of the Ex-Officio Justice of Peace are limited and confined to the provisions of Section 22-A & B Cr.P.C. In this regard the Ex-Officio Justice of Peace cannot take any further action beyond such powers. The Ex-Officio Justice of Peace had

no powers to commence proceedings u/s 182 PPC against the concerned applicant.

Be that as it may, certain actions have been taken before the Ex-Officio Justice of Peace which are best decided by the Ex-Officio Justice of Peace as they pertain to proceedings before the Ex-Officio Justice of Peace. In the facts and circumstances of the case, it would not proper for this Court to take such matters into its own hand. The case is best resolved at the level of the Ex-Officio Justice of Peace. Counsels are also at idem and as are the parties present in Court. None wish to prolong the dispute and seek to resolve and settle the case amicably. Therefore, while the impugned order dated 13.06.2023 for the reasons articulated above is set aside, the matter is remanded to the Ex-Officio Justice of Peace to decide afresh in terms of the compromise recorded between the parties herein below;

- i. The parties/Counsel shall submit to the mercy of the Court, to unconditionally apologize and for any misunderstanding, having the highest regard for the office of the Ex-Officio Justice of Peace. The Ex-Officio Justice of Peace will decide the fate of the two Criminal Miscellaneous Applications in light of the amicable settlement.
- ii. Both parties do not wish to register any criminal complaints against each other and irrevocably recall/withdraw the same.
- iii. The Ex-Officio Justice of Peace may decide the *lis* in the above terms.

JUDGE

AHSAN K. ABRO

While acknowledging that learned Justice of Peace could only have been reported to the police for determination as to its veracity.

Heard arguments. For reasons to be recorded, Crl. M.A Nos.S-435/2023 and 508 of 2023 are disposed of in the following terms:

- i. The above impugned order dated 13.06.2023 is set-aside and the matter is remanded the learned II-Additional Sessions Judge/Ex-Officio Justice of Peace, Tando Allahyar to be deposed afresh in terms of this order.
- ii. The learned II-Additional Sessions/Ex-Officio Justice of Peace, Tando Allahyar did not have competent jurisdiction to issue show cause notice under Section 182 P.P.C against the applicant for furnishing false information/concealment facts/misguide the court of law/wastage of time.
- iii. The impugned order dated 13.06.2023 in respect of Crl. Misc: Applications No.396 of 2023 and 361/2023, filed before the learned Ex-Officio Justice of Peace, remain in force for non-registration of FIR.
- iv. Counsel for the respondents, who are duly authorized by way pursuant to Vakalatnamas which are available on record do not wish to press this lis, which is disposed of in the above terms.

