

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-528 of 2026

Applicant: Allah Bachayo through Mr. Muhammad Saleem Laghari, Advocate.

Respondents: SSP District Tando Allahyar and others through Mr. Khalid Hussain Lakho, D.P.G. Sindh along with SIP Abdul Aziz Khoso SHO PS Bukera Sharif, Tando Allahyar.

Date of hearing: 12.10.2026.

Date of order: 12.10.2026.

ORDER

MUHAMMAD HUMAYON KHAN, J: - Through this Criminal Miscellaneous Application, the applicant seeks setting aside of the order dated 24.07.2026 passed by the learned 2nd Additional Sessions Judge/Ex-Officio Justice of Peace, Tando Allahyar, in Criminal Miscellaneous Application No. 534 of 2026, whereby his application seeking registration of an FIR against the respondent police officials was dismissed.

2. Brief facts as alleged by the applicant are that on 04.07.2026, certain police officials forcibly entered his house, took away cash amounting to Rs.140,000/- and clothing and subsequently threatened him and his family. He claims to have approached the SSP, Tando Allahyar and thereafter filed application under sections 22-A and 22-B Cr.P.C. The learned Ex-Officio Justice of Peace, after considering the inquiry report submitted by the DSP, Complaint Cell, dismissed the application, observing that the allegations appeared to be a counterblast to the criminal proceedings involving the applicant's son.

3. Learned counsel for the applicant contends that the impugned order has been passed without proper appreciation of the applicant's allegations and is not supported by sufficient reasons. He contends that the police officials committed cognizable offences by allegedly removing cash and clothing from the applicant's house and threatening him with false implication. Learned counsel further contends that the refusal to direct registration of an FIR has occasioned injustice and prays that the impugned order may be set aside with directions in accordance with law.

4. Learned D.P.G., Sindh, opposes the application and supports the impugned order, contends that the matter was examined by the learned Ex-Officio Justice of Peace on the basis of the inquiry report placed on record. He contends that the report refers to FIR No. 101/2026 under Sections 381-A/34 PPC and a subsequent case bearing No.102/2026 under Section 23 (i) of the Sindh Arms Act, 2013, concerning the applicant's son and the alleged recovery of stolen articles and an unlicensed weapon. Learned D.P.G. contends that no sufficient material has been shown to justify interference with the impugned order.'

5. Heard learned counsel for the parties and perused the available record.

6. The question requiring determination is whether the impugned order suffers from such illegality, material irregularity, or abuse of the process of the Court as would warrant interference under Section 561-A Cr.P.C. The inherent jurisdiction under Section 561-A Cr.P.C. is exceptional and is not intended to substitute a fresh assessment merely because another view may be possible. The order of the learned Ex-Officio Justice of Peace reflects consideration of the applicant's allegations alongside the inquiry report submitted by the DSP, Complaint Cell. The report, as noticed in the impugned order, refers to the criminal proceedings involving the applicant's son and the recovery allegedly made during those proceedings. This material provided a stated basis for the learned Court to assess the applicant's request in its factual context.

7. The applicant has reiterated the allegations of unlawful entry, removal of cash and clothing and intimidation; however, on the material reproduced in the impugned order and placed before this Court, no independent supporting material has been identified that demonstrates a patent legal defect in the impugned order. Equally, the existence of criminal proceedings against the applicant's son does not, by itself, disprove the applicant's allegations. Nevertheless, the question before this Court is not to determine the truth of those allegations at this stage, but to examine the legality of the impugned order. No sufficient ground has been established to conclude that the learned Ex-Officio Justice of Peace exercised jurisdiction unlawfully, ignored any demonstrably decisive material or passed an order warranting interference in inherent jurisdiction. The impugned order also directs the SHO concerned to act

strictly in accordance with law. Such direction preserves the obligation of the police to discharge their statutory duties lawfully.

8. For the foregoing reasons, I have found no cogent and legally sustainable ground to interfere with the impugned order. Accordingly, the instant Criminal Miscellaneous Application is **dismissed**.

JUDGE

Abdullah Channa/PS