

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-601 of 2026

Applicant: Abbas Ali through Mr. Ghulam Murtaza Soomro,
Advocate.

Respondents No.1to4&6: Province of Sindh others through Mr. Khalid
Hussain Lakho, D.P.G. Sindh.

Respondents No.5to7: Nil.

Date of hearing: 12.10.2026.

Date of order: 12.10.2026.

ORDER

MUHAMMAD HUMAYON KHAN, J: - Through this order, I intend to decide the instant application under Section 561-A Cr.P.C., whereby the applicant seeks to assail the order dated 13.08.2026 passed by the learned Additional Sessions Judge-IV/Ex-Officio Justice of Peace, Dadu, in Criminal Miscellaneous Application No.1638 of 2026, dismissing his application under Sections 22-A and 22-B Cr.P.C. for registration of an FIR against the proposed accused.

2. Brief facts are that the applicant alleged that, on 22.05.2026, while he was away from his village, the proposed accused, allegedly armed with pistols, entered his house, threatened and assaulted his wife and forcibly took away his goat. He claimed that the police failed to register an FIR despite his approach. The police reports, however, controverted his version and referred to a matrimonial dispute between the parties. The learned Justice of Peace further noticed that an earlier application concerning the same occurrence had been withdrawn and that the alleged private Faisla, including the asserted monetary liability, was disputed by the proposed accused. Consequently, the application was dismissed, with liberty to the applicant to pursue a direct complaint.

3. Learned counsel for the applicant contends that the impugned order suffers from misreading and non-reading of the material available on record. He contends that the specific allegations of forcible entry, armed intimidation, assault upon the applicant's wife and removal of property *prima facie* disclose cognizable offences. He further contends that the veracity of the allegations could only be determined through investigation and that the earlier withdrawal did not extinguish the applicant's right to seek lawful action. He prays that the impugned order be set aside and the police directed to proceed in accordance with Section 154 Cr.P.C.

4. Conversely, learned D.P.G., Sindh, supports the impugned order and submits that the competent forum considered the police reports, previous proceedings and disputed settlement before exercising judicial discretion. He contends that the applicant's own material indicates a monetary dispute between the parties and that the extraordinary jurisdiction under Section 561-A Cr.P.C. cannot be invoked merely to secure registration of an FIR where no patent illegality, jurisdictional defect or abuse of process is established.

5. Heard and perused the available record.

6. The question is not whether the allegations warrant acceptance or rejection after a full trial, but whether the impugned order discloses such illegality, perversity or material irregularity as would justify interference by this Court. The jurisdiction under Section 561-A Cr.P.C. is exceptional and is not intended to substitute a fresh assessment of disputed facts for the reasoned exercise of discretion by the competent forum. The record shows that the police reports controverted the alleged occurrence and referred to an existing matrimonial dispute. The earlier application relating to the same incident had also been withdrawn. Further, the alleged private Faisla and the asserted monetary obligations were specifically disputed by the proposed accused. Although the police reports are not conclusive proof of the falsity of the allegations nor does withdrawal of an earlier application by itself bar lawful recourse, the impugned order demonstrates consideration of the material circumstances rather than a mechanical refusal of relief.

7. The applicant's assertion that cognizable offences are disclosed does not, by itself, establish that the impugned order is perverse or that the discretion vested in the learned Justice of Peace was exercised arbitrarily. No sufficiently cogent ground has been demonstrated to warrant interference under Section 561-A Cr.P.C.

8. For the foregoing reasons, the instant Criminal Miscellaneous Application is **dismissed**. However, the applicant shall remain at liberty to avail the remedy of a direct complaint, as permissible under law and the competent forum shall decide the same independently, on its own merits and without being influenced by any observation made herein.

JUDGE