ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Misc: Application No.S-386 of 2026
Cr. Misc: Application No.S-390 of 2026

DATE	**ORDER WITH SIGNATURE OF JUDGE(S)**

30.10.2026

Mr.Khalid Hussain Lakho, D.P.G for the State
Respondents Shoukat and Riaz are present in person

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None present on behalf of the applicants in both these Crl. Misc: Applications and no intimation has been received. However, I have perused the impugned order dated 30.06.2026 (impugned in both these Crl. Misc: Applications), passed by the learned Ex-Officio Justice of Peace/Additional Sessions Judge-II, Shaheed Benazirabad, who while disposing of two Crl. Misc: Applications by a single order under Section 22-A(6)(i) Cr.P.C has held as follows:

> *"Cr. Misc. Application No.2017/2026, is allowed. The SHO PS 60th Mile is directed to register an FIR based on the statement of applicant Shoukat Hussain concerning the alleged incident on 02-06-2026, provided it discloses a cognizable offence.*
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> *The SHO PS 60th is further directed to ensure that no arrest of any proposed accused person is made merely upon registration of the FIR. Arrests shall only be effectuated if, during the course of a fair and impartial investigation, substantial and corroborating evidence is collected implicating them in the alleged offence.*
>
> *Crl. Misc. Application No.1976/2026 is dismissed as the injuries allegedly sustained by the applicant's sons are non-cognizable.*
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> *The investigation Officer assigned to the case arising from the FIR registered upon the statement of Shoukat Hussain is directed to record the statements of Fayaz Ahmed and Ayaz Ahmed, the sons of the applicant in Cr. Misc. Application No.1976/2026, during the investigation process. The Investigating Officer shall ensure that their statements and the surrounding circumstances are impartially and comprehensively investigated."*

Both sides claim injuries in one and the same occurrence of 02.06.2026, arising from a quarrel over a pathway. Learned Justice of Peace, on the final medico-legal certificates and the report of the Police Complaint Cell, found that only the respondent Shoukat Hussain had sustained an injury attracting Section 337-F(v) PPC, a cognizable offence, while the injuries of Fayaz Ahmed and Ayaz

Ahmed were non-cognizable. He therefore directed registration of one FIR on the statement of Shoukat Hussain and at the same time, required the investigating officer to record and examine the version of Fayaz Ahmed and Ayaz Ahmed in that very case. There cannot be a second FIR of the same occurrence and the counter version of the applicants is to be recorded under Section 161 Cr.P.C and investigated alongside. Their plea that the respondent's story was concocted after a delay of thirteen days and their claim that the final certificate of Ayaz Ahmed discloses a cognizable hurt, are matters which the investigation will bring out, the applicants of Crl. Misc: Application No.S-386 of 2026 have, besides, been protected against arrest save on evidence collected in a fair investigation.

The impugned order is a balanced one and suffers from no illegality calling for interference under Section 561-A Cr.P.C. Both the applications are accordingly **dismissed** in ***limine***, along with the miscellaneous application (s), if any pending.

JUDGE

AHSAN K. ABRO