ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Misc. Application No. S- 261 of 2024
(Sikandar Ali Kubar versus State and others)

Date of hearing	Order with signature of Judge

1. For orders on office objection.
2. For hearing of MA No. 2285/2024.
2. For hearing of main case.

02-11-2026

Mr. Nazir Ahmed Junejo, Advocate for applicant.
Mr. Asif Ali Shaikh advocate for respondent No.1, 2 & 5.
Mr. Gulshan Ahmed Shujrah advocate for respondent No. 4.
Mr. Khalil Ahmed Maitlo, D.P.G for the State.

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Suresh Kumar,J. Through instant Crl Misc. Application under section 561-A Cr.P.C, the applicant has impugned order dated 10-08-2023 passed by learned IInd Additional Sessions Judge/Ex-officio Justice of Peace, Khairpur in Cr. Misc. Application No.2498/2023 Re. Sikandar Ali Vs. The State and others, filed by the applicant for registration of FIR against the proposed accused, thereby dismissed the same; hence the applicant has preferred the instant Crl. Misc. Application.

2. The allegations levelled by the applicant in his application against the proposed accused/respondents are that they have committed the heinous offence of selling substandard/adulterated pesticides. It is alleged that, as a result of spraying the said pesticides on his wheat crop, the applicant's wheat crop, spread over an area of 30 acres, was damaged. Hence, according to the applicant, the proposed accused have committed a cognizable offence.

3. I have heard learned counsels appearing on behalf of the respective parties, learned DPG for the State and have perused the material available on record.

4. Having given due consideration to the arguments advanced by learned counsel for the parties and having perused the impugned order, it appears that learned Ex-Officio Justice of Peace has dismissed the application on the ground that the allegation of sub-standard pesticide has

not been proved through Lab-Report available on record. From the perusal of Lab-Report, it reveals that pesticide has fulfilled the required standard. Moreover, the DSP, Complaint Cell, Khairpur, and the SHO of the concerned Police Station, in their respective reports dated 29-05-2023, did not support the version of the applicant. No other substantive material has been produced by the applicant to establish that the alleged incident had taken place in the manner stated in the application. The Honourable Supreme Court, in the case of *Munawar Alam v. Qurban Ali Malano* (2024 SCMR 985), held that numerous precedents highlight the misuse of the provisions of Sections 22-A and 22-B Cr.P.C. It was further observed that it is the prime duty of the Court to guard against such misuse and to ensure that applications filed under the said provisions are not entertained lightly or decided mechanically merely for the purpose of issuing directions to the police. A similar view was taken by the Honourable Supreme Court in the case of *Jamal Khan v. Secretary Home Department* (2021 SCMR 468).

6. For the foregoing reasons, and in the light of the guidance derived from the cited case law, the instant Criminal Miscellaneous Application is dismissed. Consequently, the impugned order dated 17-03-2026 is maintained.

J U D G E

Nasim/P.A