

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Cr. Misc. Application No.S-578 of 2026

[Zaheer Hussain vs. SSP Tando Allahyar and Others]

Applicant by	:	Mr. Nouman Gul advocate,
Respondents	:	Nemo
Date of hearing	:	01.09.2026
Date of decision	:	01.09.2026

ORDER

JAWAD AKBAR SARWANA J:- Zaheer Hussain Pitafi applicant/proposed accused No.1 is aggrieved by the Order dated 31.08.2026 passed by the 1st Additional Sessions Judge/Ex-Officio Justice of Peace Tando Allahyar in Criminal Miscellaneous Application No.654 of 2026.

2. Learned counsel for the applicant/proposed accused No.1 contends that in fact the alleged incident of 28.07.2026 apparently took place on 10.03.2026 is concocted and untrue. He has argued that applicant/proposed accused No.1 has no concern with the alleged injuries which have taken place and neither he was involved in the unlawful entry into the house of the respondent No.4/complainant. He states that no case was/is made out for recording statement of the respondent No.4/complainant in the circumstances as ordered by the Ex-Officio Justice of Peace.

3. I have heard the learned counsel and gone through the Order dated 31.08.2026; however, as per law any person who has information of an offence having been committed is entitled under the law to provide such information to the Police Station. Once such information is provided, it is up to the Police Officer to determine whether any offence is revealed and if any offence is revealed whether it is cognizable or non-cognizable offence. The Criminal Procedure Code and the Police Rules provide ample guidance to the Police Officer to proceed in either situation, as well as the situation where false information has been provided. The powers of the Ex-Officio Justice of Peace are to be exercised within the framework of Sections 22-A & B Cr.P.C based on information available. In the instant case even assuming that the grounds raised by counsel are true it has triggered the provisions of the aforementioned Sections. Such information in my view is/was available and no interference can be made in the

impugned Order except that the Police Officer, who is dealing with this matter, shall apply his own mind and act in accordance with law. It is hope and expected that the Police Officer shall behave in a neutral, competent, capability and professional manner and shall not arrest any person without availability of evidence in his own culpability.

4. Therefore, notwithstanding the above, I do not find any ground to set aside and/or intervene in the impugned Order dated 31.08.2026 and this criminal miscellaneous application stands dismissed in the above terms.

JUDGE

Sajjad Ali Jassar