

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Misc. Application No. S- 336 of 2026
(Mai Najeeb versus The State and another)

Date of hearing	Order with signature of Judge
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For hearing of main case.

02.09.2026

Mr. Shabbir Ali Bozdar, Advocate for Applicant.
Mr. Gulzar Ali Malano, A.P.G

Suresh Kumar,J. Through instant Crl Misc. Application under section 561-A Cr.P.C, the applicant has impugned order dated 04.05.2026 passed by learned Additional Sessions Judge-I/Ex-officio Justice of Peace,Ghotki in Cr.Misc. Application No.784/2026 Re. Mai Najeeb v. SHO P.S Adilpur and another, thereby dismissing application under section 22-A-6(i) Cr.P.C for registration of FIR.

2. Facts as per record are that proposed accused namely: SHO Zaheer Ahmed Bhutto, ASI Abdul Jabbar Pathan, PC Nazar Muhammad, PC Sarfraz Ahmed and PC Munawar Chachar with official weapons trespassed in the house of applicant and forcibly took away 200 mounds of wheat, half tola gold in shape of ornament, cash of Rs.3000/-, five solar plates, two cocks and hens in police mobile and in Rikshaw. Thereafter applicant approached to Duty Officer for registration of FIR which was not availed to her whereby filed Crl Misc. Application which was dismissed vide order dated 04.05.2026.

3. I have heard learned counsel for applicant, learned DPG so also proposed accused Nos. 1 to 5 present in person. Proposed accused No.1 also filed written statement.

4. Learned counsel for applicant contended that impugned order passed by learned Additional Sessions Judge is against the law and natural justice. He also contended that police is bound to register FIR for cognizable offence as made out from contents of complaint. He lastly contended that learned Additional Sessions Judge/Justice of Peace did not apply his judicial mind while passing impugned order regarding offence committed by proposed accused.

5. Learned APG has supported impugned order and he has also contended that applicant /complainant has filed present application for registration of FIR with mala fide intention. He has further contended that so many FIRs were registered against close relatives of applicant as they are absconders or facing trial. He has also contended that application has been filed only to pressurize accused not to arrest and taken action against absconding accused.

6. Respondents Nos. 1 to 5 has supported impugned order so also arguments advanced by APG AND relevant documents filed by them through respondent No.1.

7. Having given due consideration to the arguments advanced by counsel for parties and perused impugned order.

8. From perusal of enquiry report submitted by Justice of Peace, it has been relied upon by him while passing impugned order it reveals that close relatives of applicant/complainant are Proclaimed Offenders and are involved in various criminal cases including offences of robbery, theft , robbery and murder cases. SIP Zaheer Ahmed/respondent No.1 has produced relevant record and FIRs registered against close relatives of applicant. There is mala fide on the part of complainant to The police from taking action against accused involved in various criminal cases. Activities including offence of robbery etc, the Ex-officio Justice of Peace

has authority to refuse FIR that the application is found to be motivated by malafide as per available record.

9. The Honorable Supreme Court in the case of Munawar Alam v. Qurban Ali Malano (2024SCMR 985) has held as under:

“ We observe that there are many precedents regarding misuse of provisions of Section 22-A and 22-B Cr.P.C and it is the prime duty of the court that such misuse be taken care and application filed should not be lightly entertained and decided in a mechanical manner for issuing directions to the police”.

10. In the above cited case law Honourable High Court has held that Court should not issue directions in mechanical manner to ... misuse of section 22-A B for registration of FIR on the basis of malafide intention and ulterior motives. In the JamalKhan v. Secretary Home department (2021 SCMR 468) Hon'ble Supreme Court has observed that refusal of FIR when the malafide regarding dusoyte was brought on record.

11. In the case of Munawar Alam Khan v. S.P Hyderabad this Honourable Court has highlighted that Justice of Peace may be refused to issue directions and direct the applicant of alternate remedy.

12. Honourable Supreme Court in the case of Younis Abbass v. Additional sessions Judge Chakwal (PLD 2016 581) has held that functions of Ex-officio Justice of Peace performs, are not executive, administrative or ministerial inasmuch as he does not carry out, manage or deal with things mechanically. His functions are described in Clause (i) (ii) and (iii) of Sub-section 6 of Section 22-A Cr.P.C, are quasi-judicial as he entertains applications, examine the record, hears the parties, passes orders and issue directions with due application of mind. Every list before him demands discretion and judgment.

13. For the reasons above and guidance taken from cited case law, I am of the considered view that applicant has filed present application with malafide intention, therefore, impugned order is maintained. Consequently Criminal Misc. Application is dismissed.

J U D G E

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ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Bail Application No. S- 616 of 2024

Date of hearing	Order with signature of Judge
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Application in Disposed of case.

For orders on MA No.**6408/2024 (R/surety)**

09.01.2025.

Mr. Permanand Advocate for complainant.
Syed Sardar Ali Shah, Additional Prosecutor General.

None present for applicant, no intimation received. Same was position on the last two consecutive dates which shows that applicant and his counsel have lost interest to pursue listed Application No.6408/2024. Accordingly listed application being MA No.6408/2024 is dismissed for non-prosecution.

J U D G E

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ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No. S- 751 of 2024

Date of hearing	Order with signature of Judge
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- 1. For orders on office objections.
- 2. For hearing of main case.

09.01.2025.

Mr. Muhammad Raza Soomro, Advocate for the Applicant.

Syed Sardar Ali Shah, Additional Prosecutor General along with SIP
Ali Sher Shaikh SHO of PS 'A' Section Khairpur and SIP Ghulam
Asghar Ujjan on behalf of S.S.P Khairpur

Respondent No.3 files statement along with photocopies of 164 Cr.P.C statement of alleged detainee Mst. Salma and order dated 07.01.2025 passed by Civil Judge & Judicial Magistrate/Consumer Protection Court, Khairpur which reflect that alleged detainee Mst. Salma along with her minor son Hubdar was produced before concerned Magistrate where statement of Mst. Salma under section 164 Cr.P.C was recorded in sindhi language wherein she stated that she has not been kidnapped by anyone and after her recording statement she was set at liberty to go on her own accord with her mother-in-law Shamim Akhter.

After apprising such facts, counsel for applicant does not press instant Criminal Misc. Application and submits that he will avail the remedy available to him before the competent forum under law. Order accordingly.

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No. S- 713 of 2024

Date of hearing	Order with signature of Judge
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For hearing of main case.

09.01.2025.

Syed Sardar Ali Shah, Additional Prosecutor General.

Mr. Abdul Haseeb Khuhro, Advocate files vakalatnama on behalf of applicant, taken on record. He seeks time for preparation. Mr. Ajeebullah Junejo Advocate once again seeks time to file vakalatnama on behalf of remaining proposed accused. Time is allowed.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No. S- 614 of 2024

Date of hearing	Order with signature of Judge
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For hearing of main case.

09.01.2025.

Mr. Ghulam Nabi Chadhar, Advocate for Applicant.
Mr. Manzoor Hussain Chohan, Advocate for Respondents.
Syed Sardar Ali Shah, Additional Prosecutor General.

It is pointed out that Criminal Misc. Application No. S-537/2024 arising out of same facts is pending adjudication before this Court. Office is directed to tag Criminal Misc. Application No. S-537/2024 along with this Criminal Misc. Application before the same bench.

Adjourned to **30.01.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Appeal No. S- 45 of 2024
Criminal Appeal No. S- 55 of 2024
Cr. Acq. Appeal No. S-61 of 2023

Date of hearing	Order with signature of Judge
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- 1. For orders on MA No.2236/2024 (426)
- 2. For hearing of main case.

08.01.2025.

Mr. Shabbir Ali Bozdar, Advocate for Appellant in Cr. Acq. Appeal No.S-61/2023.
Syed Sardar Ali Shah, Additional Prosecutor General.

None present for appellant in Criminal Appeal Nos.S-45 of 2024 and S-55 of 2024. Respondent No.2 Mst. Izzat Begum Ujjan in Criminal Appeal No. S-45 and S-55 of 2024 is present and submits that her counsel is out of station and seeks time to bring her counsel Time is allowed.

Adjourned to **03.02.2025**. Office is directed to place a signed copy of this order in the captioned connected matters.

J U D G E

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Jail Appeal No. S- 06 of 2024

Date of hearing	Order with signature of Judge
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For hearing of main case.

08.01.2025.

Mr. Rukhsar Ahmed Junejo, Advocate for the Appellant.
Syed Sardar Ali Shah, Additional Prosecutor General.

Complainant Ikram Ali is present and submits that he would not engage his counsel as being confident with Additional Prosecutor General. Counsel for appellant seeks time for preparation.

Adjourned to **03.02.2025.**

J U D G E

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ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Jail Appeal No. S- 06 of 2024

Date of hearing	Order with signature of Judge
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For hearing of main case.

08.01.2025.

Mr. Rukhsar Ahmed Junejo, Advocate for the Appellant.
Syed Sardar Ali Shah, Additional Prosecutor General.

Complainant Ikram Ali is present and submits that he would not engage his counsel as being confident with Additional Prosecutor General. Counsel for appellant seeks time for preparation.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No. S- 786 of 2023

Date of hearing	Order with signature of Judge
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Hearing of case.

- 1. For orders on MA No. 6606/2023 (U/A)
- 2. For hearing of main case.

08.01.2025.

Mr. Noor Hassan Malik, Advocate for applicant.
Syed Sardar Ali Shah, Additional Prosecutor General.

Mr. Achar Khan Gabol advocate for private respondents Nos. 2 to 10 is stated to be busy before another bench. Repeat notice to remaining respondents.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Misc. Application No. S- 786 of 2023

Date of hearing	Order with signature of Judge
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Hearing of case.

- 3. For orders on MA No. 6606/2023 (U/A)
- 4. For hearing of main case.

08.01.2025.

Mr. Noor Hassan Malik, Advocate for applicant.
Syed Sardar Ali Shah, Additional Prosecutor General.

Mr. Achar Khan Gabol advocate for private respondents Nos. 2 to 10 is stated to be busy before another bench. Repeat notice to remaining respondents.

Adjourned to **03.02.2025.**

J U D G E

Irfan/PA

