

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Misc. Application No. S- 799 of 2025
(Ameerullah versus The State and oths)

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

07.09.2026

Mr. Faiz Muhammad Shar, Advocate for Applicant.
Mr.Shafi Muhamamd Mahar, D.P.G

Suresh Kumar,J. Through instant Crl Misc. Application under section 561-A Cr.P.C, the applicant has impugned order dated 11.12.2025 passed by learned Additional Sessions Judge/Ex-officio Justice of Peace, Mirwah in Cr.Misc. Application No.3623/2025 Re. Ameerullah v. SSP Khairpur and others, thereby dismissing application under section 22-A-6(i) Cr.P.C for registration of FIR.

2. The facts as per the record are that on 12.07.2025, the applicant, along with his wife Mst. Naila, mother Mst. Ameena, baby Hafsa aged 11 years, and other family members, were sleeping in the house. At 5:00 p.m., suddenly, the police officers, along with 40 unknown persons, forcibly entered the house. Upon their arrival, they controlled the applicant's party by showing weapons. The police officials then took away two solar plates, four bags of wheat, and household articles. During this incident, baby Zakria, aged 4 years, was injured by the police. Subsequently, the police took ladies Naila, Mst. Ameena, and Hafsa in a police mobile. The applicant approached the police station and met SHO Ashique Ali, where he saw the detainees confined in the lock-up. The applicant requested their release, but the police demanded two lacs; otherwise, they threatened to implicate him in narcotic cases. The

complainant then went to the police station to register an FIR, but it was not registered. Thereafter, the applicant filed a Criminal Miscellaneous Application, which was dismissed via order dated 11.12.2025, and this is now being assailed through the instant Criminal Miscellaneous Application.

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

4. Learned DPG has supported impugned order and he has also contended that applicant /complainant has filed present application for registration of FIR with malafide intention. He has lastly contended that application has been filed only to pressurize the Police officials not to take action against the cousin of applicant who is required in 26 cases as per report submitted by respondent No.4.

5. Respondents No.4 has appeared and submitted report that 26 cases were registered against the close relatives of applicant, therefore, the applicant has filed present application with mala fide intention to pressurize the Police party not to take action against his close relatives.

6. Having given due consideration to the arguments advanced by counsel for the parties and perused the impugned order, it reveals from the available record that the close relatives of the applicant/complainant are involved in various criminal cases, including offences of robbery, dacoity, theft, narcotics, and police encounter cases. Inspector Ashique

Ali Abro/respondent No. 1 has submitted a report/statement in which he has denied the incident described in the application and further stated that the relatives of the applicant, namely Haleemullah @ Hayo Dahri and Zubair Dahri, are required in numerous criminal cases, and the police intend to arrest them. However, they filed a Criminal Miscellaneous Application through the applicant to protect the above-named absconders, who are required in 26 cases. It is well-settled law that the Ex-officio Justice of Peace has the authority to refuse to issue directions for the registration of an FIR if the application is found to be motivated by malafide intentions, as per the available record. In similar circumstances, the Honourable Supreme Court, in the case of *Munawar Alam v. Qurban Ali Malano* (2024 SCMR 985), has held that there are many precedents regarding the misuse of the provisions of Sections 22-A and 22-B of the Cr.P.C., and it is the prime duty of the court to ensure that such misuse is addressed and that applications filed should not be lightly entertained or decided in a mechanical manner for issuing directions to the police. A similar view has been taken by the Honourable Supreme Court in the case of *Jamal Khan v. Secretary Home Department* (2021 SCMR 468).

7. Moreover, the Honourable Supreme Court, in the case of *Younis Abbass v. Additional Sessions Judge, Chakwal* (PLD 2016 581), has held that the functions performed by the Ex-officio Justice of Peace are not executive, administrative, or ministerial, inasmuch as he does not carry out, manage, or deal with matters mechanically. His functions, as described in Clauses (i), (ii), and (iii) of Sub-Section 6 of Section 22-A of the Cr.P.C., are quasi-judicial, as he entertains applications, examines the record, hears the parties, passes orders, and issues directions with due application of mind. Every matter before him demands discretion and judgment.

8. For the reasons stated above and the guidance taken from the cited case law, I am of the considered view that the applicant has filed the present application with mala fide intention; therefore, the impugned order is maintained. Consequently, the Criminal Miscellaneous 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

Irfan/PA

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 detneue 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

Irfan/PA

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

