

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Crl. Misc. Application No.S-278 of 2026

[Mst. Kalsoom Vs. S.S.P Sanghar & 04 others]

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Mr. Pervaiz Akhtar Talpur, advocate for the applicant.

Mr. Neel Parkash, Deputy Prosecutor General Sindh.

Date of hearing: 08.09.2026

Date of Order: 08.09.2026

ORDER

Muhammad Humayon Khan, J.- By means of the instant Criminal Miscellaneous Application, the applicant has assailed the legality and propriety of the Order dated 17.08.2026 rendered by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Sanghar, whereby the applicant's application under Section 22-A & B Cr.P.C was dismissed.

2. Learned counsel for the applicant contends that the applicant was allegedly administered an intoxicating substance and wrongfully confined; that after escaping from confinement, she approached the concerned police but only N.C report was recorded and no further action was taken. He lastly prayed that the impugned order be set-aside and the concerned SHO be directed to record the applicant's statement and proceed in accordance with law. In support of his contentions, he relied on case law viz: **2024 SCMR 1123 [Supreme Court of Pakistan]**.

3. Despite repeated notices, the private respondents have not appeared before this Court.

4. Learned D.P.G for the State contends that the impugned order does not suffer from any illegality or irregularity; that the learned Ex-Officio Justice of

Peace has passed the same after considering the police reports, therefore, the application may be dismissed.

5. I have heard learned counsel for the applicant as well as learned D.P.G for the State and perused the record.

6. Upon examination of the record, it transpires that the applicant had approached the concerned police with allegations of administration of an intoxicating substance and wrongful confinement; however, instead of registration of an F.I.R, only an N.C report was recorded. The learned Ex-Officio Justice of Peace, while dismissing the application, mainly relied upon the police reports, previous litigation between the parties and the delay in reporting the matter. Since the allegations made by the applicant, on their face, prima facie disclose cognizable offences, the matter required action in accordance with law rather than a conclusive assessment of the merits at the pre-investigation stage. The learned Ex-Officio Justice of Peace, therefore, travelled beyond the scope of consideration under Section 22-A(6) Cr.P.C. by undertaking an assessment of the merits and probability of the allegations prior to investigation. Such disputed questions were matters for investigation and could not appropriately have been resolved merely on the basis of the police reports at that stage.

7. In view of the above, I am of the view that the impugned order dated 17.08.2026 cannot be maintained, as the learned Ex-Officio Justice of Peace entered into disputed questions of fact and assessed the truthfulness of the allegations at the pre-investigation stage, whereas the allegations made by the applicant prima facie disclosed cognizable offences requiring action in accordance with law.

8. Accordingly, the instant Criminal Miscellaneous Application is **allowed** and the impugned order dated 17.08.2026 passed by the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Sanghar in Criminal Miscellaneous

Application No.1880 of 2026 is hereby set-aside. The concerned SHO is directed to record the statement of the applicant under Section 154 Cr.P.C and thereafter proceed strictly in accordance with law. If the information furnished by the applicant discloses commission of a cognizable offence, the concerned SHO shall take further action as required under the law.

JUDGE

Faisal