THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Miscellaneous Application No.S- 300 of 2026

Applicant	:	**Ali Mardan Magsi**, Through Mr. Muhammad Bux Bhangwar, Advocate.
Official Respondents No.1to3		**The State & others,** Through Mr. Muhammad Raza Katohar, Advocate.
Proposed accused	:	**Razi Dino and others** (Nemo).
Date of Hearing	:	**28-09-2026**
Date of Order	:	**28-09-2026**

O R D E R

TASNEEM SULTANA, J.- Through the instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C., the applicant, Ali Mardan, has assailed the order dated 22.04.2026 passed by the learned Additional Sessions Judge-III/Ex-Officio Justice of Peace, Khairpur, in Criminal Miscellaneous Application No.1354 of 2026, whereby his application under Sections 22-A and 22-B, Cr.P.C., seeking registration of an FIR against Razi Dino and two unidentified persons was dismissed.

2. Briefly stated, the applicant alleged that on 01.03.2026, he, along with Khadim, went to the ATM of Allied Bank, Luqman Branch, Khairpur, to withdraw money through the ATM card of his wife. According to him, at about 09:15 hours, Razi Dino and two unidentified persons snatched the ATM card and Rs.100,000/- from him, obtained the PIN of the card at pistol point and also took Rs.30,000/- from Khadim. He further alleged that subsequent transactions amounting to Rs.275,000/- were made through the card. The applicant maintained that he approached the concerned SHO, but his complaint was not registered. He thereafter approached the senior police authorities and ultimately filed the application before the learned Ex-Officio Justice of Peace.

3. Learned counsel for the applicant contended that the allegations disclosed a cognizable offence; that the learned Ex-Officio Justice of Peace failed to properly consider the applicant's version and the accompanying bank statement; that the impugned order suffered from misreading and non-reading of the record; and that the application was declined on assumptions and

presumptions. Reliance was placed upon *Syed Qambar Ali Shah v. Province of Sindh and others* (**2024 SCMR 1123**), *Ghulam Fareed v. Station House Officer, Police Station Sangi* (**2013 PCr.LJ 117**), **2006 SCMR 1547** and **2025 YLR 875**.

4. Conversely, learned Deputy Prosecutor General supported the impugned order.

5. Heard learned counsel for the applicant and learned Deputy Prosecutor General; record perused.

6. It appears from the record that the learned Ex-Officio Justice of Peace considered the application, the material produced and the reports submitted by the police authorities. In his report, the SHO stated that the dispute between the parties concerned monetary transactions. The applicant, however, alleged that the proposed accused, accompanied by two unidentified persons, snatched the ATM card and cash and forcibly obtained its PIN at pistol-point. The question before the learned Ex-Officio Justice of Peace was, therefore, whether the application, considered with the material placed before him, warranted a direction for registration of FIR. The description of the dispute in the police report required consideration but could not, by itself, determine that question.

7. The applicant named the proposed accused and gave his parentage, address and telephone number, yet the application does not state whether he was previously known to him or how these particulars were obtained. The name "Razi Dino" appears in the bank statement, but the source of the other particulars remains unexplained. This required explanation, particularly as the SHO reported a monetary dispute between the parties.

8. Another material circumstance is that the applicant did not contact the bank to block the ATM card after it was allegedly snatched and its PIN forcibly obtained. According to his own account, the proposed accused thereafter carried out transactions amounting to approximately Rs.275,000/. The card could thus continue to be used, yet no explanation was offered for failing to approach the bank or contact its helpline. The written complaint to the senior police authorities was made on 17.03.2026, sixteen days after the alleged occurrence of 01.03.2026. Although the applicant stated that he had earlier approached the concerned SHO, he did not specify when that approach was made or explain the

interval before submission of the written complaint. These circumstances required consideration together with his account of the alleged occurrence.

9. The bank statement produced by the applicant has also been examined. It records transfers of Rs.100,000/-, Rs.50,000/- and Rs.50,000/- bearing the name "Razi Dino," besides cash withdrawals and purchases. The statement is, therefore, relevant material and cannot be disregarded merely because the police described the controversy as a monetary dispute. It establishes the recorded movement of funds, but does not resolve the circumstances in which the card and its PIN came to be used. Its production did not answer the omissions concerning how the applicant obtained the particulars of the proposed accused, his failure to have the card blocked and the interval before the written complaint. The material before the learned Ex-Officio Justice of Peace thus required consideration as a whole, rather than acceptance of either the allegation of robbery or the police description of the dispute in isolation.

10. In *Munawar Alam Khan v. Qurban Ali Mallano and others* (2024 SCMR 985), the Honourable Supreme Court held that applications under Sections 22-A and 22-B, Cr.P.C., should not be decided mechanically and that each case must be considered on its own facts. In *Syed Qamber Ali Shah v. Province of Sindh and others* (2024 SCMR 1123), the Honourable Supreme Court explained that the Ex-Officio Justice of Peace must ascertain whether the allegations disclose a cognizable offence without conducting a detailed inquiry into their truth or falsity. These principles require judicial consideration of the application and the accompanying material without deciding disputed facts. In the present case, the learned Ex-Officio Justice of Peace gave specific reasons for declining the application, which have been examined above together with the bank statement. The circumstances considered cumulatively do not justify interference with that decision; they are not treated as a final finding that the alleged occurrence was false.

11. In view of the above facts and circumstances, no ground for interference with the impugned order under Section 561-A, Cr.P.C., has been made out. Consequently, the instant Criminal Miscellaneous Application was dismissed vide short order dated 28.09.2026. These are the reasons for the same.

J U D G E

Ahmad