ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc Application No.S-474 of 2026.

DATE	***ORDER WITH SIGNATURE OF JUDGE***
	For orders on office objections. For hearing of main case. For hearing of M.A No.6415/26.
25.09.2026.	
	Mr. Wazir Hussain Chandio, Advocate for Applicant. Mr. Siraj Ahmed Bijarani, Assistant Prosecutor General, Sindh. **********

On 06.08.2026, I had issued notices to the respondents and learned A.P.G. for 31.08.2026 and suspended the impugned order dated 06.12.2025 passed by the Additional Sessions Judge-I Jamshoro/Ex-Officio Justice of Peace, Hyderabad in Cr. Misc. Application No.1644 of 2025 filed by respondent No.6/complainant (Samad Ali) in relation to an alleged cheque that bounced in relation to a sale transaction involving a motor vehicle. Thereafter, as per the report submitted by law enforcement, respondent No.6/complainant (Samad Ali) has remained untraceable; this position remained unchanged for the last month or so, and no one has entered appearance on behalf of respondent No. 6/complainant till date.

Notwithstanding the above, I have gone through the impugned order dated 06.12.2025 and note at the outset that although the impugned order was passed in December 2025, the applicant/proposed accused No.2 (Dildar Chandio) did not immediately challenge the said impugned order until almost eight (08) months later. Further, it is surprising, too, that even though the Ex-Officio Justice of Peace order dated 06.12.2025 directed the SHO to record the statement of the respondent no.6/complainant, and no one challenged such orders, yet the concerned SHO has not bothered to record the statement of the complainant (Samad Ali), who is untraceable. The matter remains pending with the SHO who has taken no positive steps to follow up. Indeed, I have perused the impugned Order and find that sufficient information is available on record to trigger the provisions of Section 22-A & B Cr.PC., and the applicant/proposed accused no.2

(Dildar Chandio) has not expressly pointed out any illegality or irregularity in the impugned Order. As well-articulated in several judgments of the Supreme Court, mere recording of a statement in itself does not lead to registration of FIR, and to this extent the applicant/proposed accused no.2 (Dildar Chandio's) apprehensions are misconceived.

In the circumstances, the impugned Order dated 06.12.2025 is sustained. The SHO concerned is, once again, directed to comply with the order dated 06.12.2025 within a period of ten (10) days. Once the complainant has provided information to the police officer, the SHO must determine whether any offence is disclosed and, if so, whether it is cognizable or non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officials on how to proceed in either situation, as well as when false information has been provided. The police officer shall also apply his own mind and act in accordance with law. It is hoped and expected that the SHO shall behave in a competent, neutral, professional, and polite manner and shall not arrest any person without evidence of culpability. The SHO shall submit a progress report concerning this matter to the SSP concerned. The office is directed to send a copy of this order to the concerned SHO for compliance, and to the concerned SSP to follow up on the matter.

The instant Cr. Misc. Application stands disposed of in the above terms.

JUDGE

Ali.