HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Crl. Miscellaneous Application No.S-432 of 2025

Present: Justice Jawad Akbar Sarwana

Applicant	:	Sher Ali Barrech s/o Ali Akbar, Through Mr.Zafar Ali Laghari, Advocate
Respondent No.1	:	Deputy Inspector General of Police (DIG), Hyderabad
Respondent No.2	:	Senior Superintendent of Police, Hyderabad
Respondent No.3	:	Deputy Superintendent of Police (DSP) Baldia
Respondent No.4	:	Station House Officer, PS Bhittai Nagar
Respondent No.5	:	Station House Officer, PS Baldia Through Mr.Irfan Ali Talpur, D.P.G
Respondent No.6	:	Hayat Khan s/o Ghulam Muhammad Pathan
Respondent No.7	:	Usama Khan s/o Ghulam Muhammad Pathan
Respondent No.8	:	Ali Asghar S/o Abdul Baqi
Respondent No.9	:	Ali Hyder s/o Abdul Baqi
Respondent No.10	:	Khalid s/o Ali Hyder
Respondent No.11	:	Shoukat s/o not known Through Mr.Mumtaz Alam Laghari, Advocate
Respondent No.12	:	Ayaz Siyal s/o not known (Police Constable) Nemo.
Date of hearing & short order	:	**02.12.2025**
Date of reasons	:	**24.10.2026**

O R D E R

JAWAD AKBAR SARWANA, J.: Applicant/complainant, Sher Ali Barrech s/o Ali Akbar Barrech, is aggrieved by the order dated 12.06.2025 passed by the 5th Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, in Criminal Miscellaneous Application No.2397/2025, dismissing the applicant/complainant's complaint u/s 22-A (6)(i) and (iii) Cr.P.C. for lodging FIR against the respondent/proposed accused.

As per the complaint put forward by the applicant/complainant and in this challenge, once again, Sher Ali Barech has alleged that

apparently aggrieved by the concession of interim pre-arrest bail extended to him (the applicant/complaint) in FIR No.17/2025 registered under Section 302, 109 PPC at PS Bhitai Nagar Hyderabad, the private respondents/proposed accused allegedly house-trespassed, committed theft, harassed womenfolk, set alight his house, etc. Therefore, in the circumstances, the Ex-Officio Justice of Peace ought to have allowed his application. Counsel for respondents/proposed accused has vehemently opposed the applicant/complainant's contentions.

Heard learned Counsel and DPG, read the impugned order dated 12.06.2025, and perused the record, including alleged photos of the incident taken after the event. As per the information, the applicant/complainant, in concert with his blood brothers and father, is accused of murdering Respondent no.6/Hayat Khan's brother, Salman Khan. The applicant/complainant, along with his two brothers and father, are booked under the aforesaid FIR No.17.2025 since 24.01.2025, and one of the brothers, Chattan Khan, is/was still absconding from the criminal proceedings. Allegedly, after registration of the said FIR on 24.01.2025, while the applicant/complainant was on pre-arrest bail, it is contended that on 21.04.2025, the respondents/proposed accused allegedly attacked the applicant/complainant's residence, apparently looted/forcibly took away many precious items and articles, as well as a huge cash amount, and also put on fire the house of the applicant/complainant. In this connection, the applicant/complainant filed a complaint, dated 13.05.2025, addressed to the DIG Police and SSP Police, reporting the incident and other incidents of alleged harassment involving the respondents/proposed accused within the Court premises while attending interim pre-arrest bail proceedings, but without result from Police; hence, the Cr. Misc. Appln. No.2397/2025 was instituted by the applicant/complainant.

Based on the above information on record, without prejudice to the date of filing of the cr. misc. application with the Ex Officio Justice of Peace, which was allegedly instituted on the same date as the complaint filed with the DIG and SSP Police, a case is made out to trigger the provisions of Section 22-A & 22-B Cr.P.C. As per law, any person who has information of an offence committed is entitled to provide such information to the police station concerned. Once such information is provided, it is up to the police officer to determine whether any offence is disclosed and, if so, whether the offence is cognizable or non-cognizable. The Criminal Procedure Code and Police Rules provide ample guidance to police officials for proceeding in either situation, as well as situations involving false information. Such action is not the domain of the Ex-Officio Justice of Peace. It is now well-established too that merely recording a statement with the Police does not necessarily, in all cases, lead to registration of FIR (2024 SCMR 985). The police officer is always expected to apply his own mind, independently and act in accordance with law.

For the above reasons, this application is allowed with directions to the concerned SHO to record the statement of the applicant/complainant. It is hoped that the officer shall behave in a neutral, competent, and professional manner and shall not arrest any person without evidence of his culpability.

Accordingly, the Court allowed the instant Cr. Misc. Application by a Short Order dated 02.12.2025, and the above are my reasons.

JUDGE

AHSAN K. ABRO