THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Present:
Justice Jawad Akbar Sarwana

Criminal Miscellaneous Application No.S-721 of 2025

Applicant	:	Manzoor Ali Palipoto through Tariq Ali Narai, Advocate
Respondent No.1,2&4	:	Superintendent of Police Complaint Cell District Hyderabad, SHO P.S. Baldia, Hyderabad and The State through Mr. Khalid Hussain Lakho, D.P.G.
Respondent No.3	:	Sohrab Ali s/o Muhammad Khan
Date of Hearing	:	01.12.2025
Date of Short Order	:	01.12.2025
Date of Reasons	:	24.10.2026

O R D E R

***JAWAD AKBAR SARWANA, J.*:** The applicant, Manzoor Ali Palipoto s/o Ghulam Hyder (proposed accused no.2), is aggrieved by the order dated 17.10.2025 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad in Criminal Miscellaneous Application No.6106/2025 wherein Respondent No.3/complainant-Sohrab Ali s/o Muhammad Khan's had alleged that on 02.10.2025 at about 1700 hours the applicant/proposed accused illegally entered into the house of the Respondent No.3/complainant and allegedly damaged and destroyed household articles. After hearing the parties, the Ex-Officio Justice of Peace directed the concerned Officer to record the statement of the Respondent No. 3/complainant.

Heard learned counsel and A.P.G. As per law, anyone who has information that an offence has been committed is entitled to provide it to the police station. Once such information is provided, the police officer must determine whether any offence is disclosed and, if so, whether it is cognizable or non-cognizable. An Ex-Officio Justice of Peace is not to carry out this exercise. Guided by the Criminal Procedure Code and Police

Rules, the police officer has ample powers and jurisdiction to proceed in either situation, including where false information has been provided. The information on record concerning the alleged incident is sufficient to trigger the provisions of Sections 22-A and 22-B Cr.PC, whereas the applicant/proposed accused no.2 has not provided any information to substantiate his defence. Indeed, except the applicant/proposed accused no.2, no one has stepped forward to challenge the impugned Order dated 17.10.2025, which merely directs recording the statement of the respondent no.3/complainant, and nothing else. It is expected that the concerned SHO shall apply his own mind and reach his own conclusion in accordance with law. It is hoped and expected that the police officer shall behave professionally and competently and shall not arrest any person without evidence of his capability.

Given the above, the impugned Order dated 17.10.2025 passed by the 1st Additional Sessions Judge/Ex Officio Justice of Peace, Hyderabad in Cr. Misc Appln.5106/2025 is sustained/maintaince, and does not require any interference. Therefore, I dismissed thIs cr. misc. appln. by my Short Order dated 01.12.2026, and the above are the reasons for my Short Order.

JUDGE

Tufail