

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Justice Jawad Akbar Sarwana

Criminal Misc. Application No.503 of 2025

Applicant No.1	:	Umar Wahid Khan
Applicant No.2	:	Muhammad Kamran Khan
Applicant No.3	:	Muhammad Riaz Khan
		all sons of s/o Muhammad Wahid Khan
		through Mr. Nehal Khan Lashari,
		Advocate
Respondent No.1	:	Irfan s/o Zarnosh
		through Mr. Nadeem Arshad,
		Advocate
Respondent No.2	:	SSP Complaint Cell Malir Karachi
Respondent No.3	:	SHO PS Qaidabad, Karachi
Respondent No.4	:	3 rd ADJ, Malir, Karachi
		through Ms. Amna Ansari,
		Additional Prosecutor General, Sindh.
Date of Hearing	:	29.08.2025
Date of Decision	:	08.09.2025

ORDER

Jawad Akbar Sarwana, J.: Respondent No.1, Irfan, claims that on 24.04.2025 at about 5:00 p.m., while operating his motorcycle, he met with an accident with one Fazal Wahid. Thereafter, on the following day, i.e. 25.04.2025 at about 9:15 p.m., when Respondent No.1 was sitting with his friends at Zouq Shoq Bhiryani Centre, the Applicant Nos.1 to 3 (proposed accused) – all blood brothers – allegedly threatened Respondent No.1, and further, the Applicant/accused No. 1, Umar Wahid, hit the butt of his pistol over the head of Respondent No.1. Thereafter, Respondent No.1 after obtaining necessary medical slip from the Police Authorities proceeded to Jinnah Post Graduate Medical Center Karachi and eventually received a Medico-Legal Certificate (“MLC”) in relation to

his injury.¹ He contends that when the Police Authorities refused to lodge an FIR, Respondent No.1 was constrained to file an application with the Ex-Officio Justice of Peace seeking directions to record his statement and lodge FIR. The learned Ex Officio Justice of Peace passed the impugned Order dated 04.06.2025, based on the allegations of the petitioner, which were also supported by the MLC, directing the SHO concerned to record the statement of the accused, and if cognizable offence is made out, then register an FIR, or if the allegations are false, then initiate proceedings under Section 182 Cr.P.C.

2. The Applicant Nos.1 to 3 (the proposed accused) vehemently deny the aforementioned allegations of Respondent No.1. Counsel for proposed accuse/applicants contend that the proceedings initiated by Respondent No.1 are a counterblast to the earlier incident of 17.05.2025 reported by Respondent No.1/Umer Wahid in FIR No.169/2025 u/s 324 PPC registered with the Police Authorities on 21.05.2025.

3. Heard Counsel. It is apparent from the record available from the file that there is a roznamcha entry dated 25.05.2025 concerning the occurrence of the incident of the said date. Further, it is pursuant to the said entry that the alleged injured proceeded to MLO. Finally, an MLO report is also available. Last but not least, there is no denial that the applicant, Umer Wahid, is a police official posted at KIA Karachi. This series of facts, when aligned together, indeed forms information requiring the recording of a statement under Section 154 Cr.P.C.

4. I note that there is another FIR which is pending investigation; however, this is an entirely different and distinct matter which requires its own series of action on the part of the Police Authorities, as the case may be. Yet such actions to be taken by the powers that be do not come in the way of a subsequent event, which is documented information requiring

¹ Documents filed by the Respondent No.1 along with Statement dated 22.08.2025.

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statement and scrutiny to assess if a cognizable and/or no-cognizable case can be made out.

5. Given the above, I do not find any defect in the impugned Order dated 04.06.2025 filed by the Ex-Officio Justice of Peace and this Cr. Misc. Application and its pending applications are also hereby dismissed.

J U D G E