

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

*Criminal Misc.Application No.S-165 of 2026
(Faheem and others Vs. SHO, PS, Rehmatpur & others)*

DATE	ORDER WITH SIGNATURE OF JUDGE
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01. For orders on office objection "A".
02. For of hearing of main case.

11.06.2026

Mr. Fayaz Hussain Jatoi, Advocate for the Applicants.

Mr. Habibullah G. Ghouri, Advocate for the Respondent No.3.

Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General.

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Ali Haider 'Ada' J:- Through the instant Criminal Miscellaneous Application, the applicants have called in question the order dated 22.05.2026 passed by the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace, Larkana, in Criminal Miscellaneous Application No.852 of 2026, filed by Respondent No.3 under Sections 22-A & 22-B, Cr.P.C.

2. The substance of the application before the learned Justice of Peace was that Respondent No.3 alleged that he had sustained injuries at the hands of the present applicants. In support of his allegations, he produced a medical certificate, available at page-33 of the record, wherein the injury of *Itlaf-i-Tooth* was reported by the Medical Officer.

4. Learned counsel for the applicants contended that there are material contradictions and discrepancies in the case set up by Respondent No.3. According to him, the proposed F.I.R. mentions the date of occurrence as 02.05.2026, whereas the medical certificate reflects the date of incident as 03.05.2026. He further argued that there are inconsistencies not only between the proposed F.I.R. and the medical

evidence but also between the proposed F.I.R. and the application submitted before the concerned S.S.P. It is further contended that the injury in question is self-suffered and that the learned Justice of Peace, without properly appreciating these material aspects, passed the impugned order, which is liable to be set aside.

5. Conversely, learned counsel for Respondent No.3 submitted that the learned Justice of Peace is not a forum for conducting a fact-finding inquiry into disputed questions of fact. He argued that Respondent No.3 specifically sustained the injury by the hands of present applicants and that the medical evidence corroborates the allegation by confirming the injury of *Itlaf-i-Tooth*. Therefore, according to him, a cognizable offence is prima facie disclosed and the learned Justice of Peace rightly exercised jurisdiction. He accordingly supported the impugned order. Learned Law Officer also supported the impugned order and submitted that no illegality or jurisdictional defect has been pointed out warranting interference by this Court.

6. I have heard the learned counsel for the parties, and has perused the available record.

7. It is by now well-settled that while exercising powers under Sections 22-A and 22-B, Cr.P.C., the Justice of Peace is not required to assume the role of an Investigating Officer or to conduct a roving inquiry into the truthfulness or falsity of the allegations. The scope of such proceedings is confined to examining whether the facts disclosed prima facie constitute the commission of a cognizable offence warranting the registration of an F.I.R. Reliance in this regard may be placed upon ***Syed Qamber Ali Shah v. The State (2024 SCMR 1123)***.

8. A tentative assessment of the record reflects that Respondent No.3 has alleged a specific occurrence against

the present applicants and has also produced medical evidence showing the injury of *Itlaf-i-Tooth*. Whether the discrepancies highlighted by the applicants materially affect the prosecution case, or whether the injury is self-suffered, are questions that can only be determined after a proper investigation. Such disputed factual controversies cannot be adjudicated by the Justice of Peace while exercising jurisdiction under Sections 22-A and 22-B, Cr.P.C.

9. It is also a settled principle of criminal jurisprudence that, save in cases governed by special laws providing a distinct statutory mechanism, investigation into a cognizable offence ordinarily follows the registration of an F.I.R. under Section 154, Cr.P.C. read with Rule 24.1 of the Police Rules, 1934. The present matter does not fall within the ambit of any special enactment, such as the anti-corruption or accountability laws, where a preliminary inquiry may precede formal proceedings. Therefore, once the allegations *prima facie* disclose a cognizable offence, the proper course is to allow the law to take its course through registration and subsequent investigation.

10. In view of the foregoing discussion, I am of the considered view that no defect has been pointed out in the impugned order warranting interference by this Court. Consequently, the instant Criminal Miscellaneous Application is dismissed, and the order dated 22.05.2026 passed by the learned Additional Sessions Judge-V/Ex-Officio Justice of Peace, Larkana, is hereby maintained.

The application stands disposed of accordingly.

JUDGE