

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA**

***Criminal Misc: Application No. S-80 of 2026***  
***Rahmatullah @ Rehmat Ali v. Rab Dino & others.***

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Date	Orders with signature of Judge
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*For hearing of main case.*

**08-06-2026.**

Mr. Habibullah G. Ghouri, Advocate for applicant.  
Mr. Safdar Ali Ghouri, Advocate for Respondent No.1.  
Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General.

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**Ali Haider 'Ada' J:-** Through this Criminal Miscellaneous Application, the applicant has assailed the order dated 09.03.2026 passed by the learned Additional Sessions Judge-II/Justice of Peace, Shikarpur, in Criminal Miscellaneous Application No.250 of 2026, whereby the application filed by respondent No.1 under Sections 22-A & 22-B, Cr.P.C. was allowed and directions were issued for recording his statement under Section 154, Cr.P.C. Being cited therein as a proposed accused, the present applicant has challenged the said order.

2. Briefly stated, respondent No.1 moved an application before the learned Justice of Peace alleging that on 23.01.2026, a drone attack was carried out by police personnel upon their houses, resulting in injuries to three persons, namely Asghar, Ismail Ahmed and Raza Muhammad. It was further alleged that Asghar subsequently succumbed to his injuries on 08.02.2026. Based on such allegations, respondent No.1 sought legal action against the police officials concerned. The learned Justice of Peace, after calling

for reports from the concerned quarters, allowed the application through the impugned order.

3. Learned counsel for the applicant contended that no drone facility is available with the concerned police station and that the applicant, being a police officer presently posted as SHO, P.S. Mian Jo Goth, has falsely been implicated in the matter. He further argued that the medical evidence available on record does not support the allegations levelled in the application. It is pointed out that no medical examination reports of the other alleged injured persons, namely Ismail Ahmed and Raza Muhammad, have been produced. Learned counsel further submitted that the reports submitted by the DSP Complaint Cell and other police functionaries revealed that one Pervez alias Paroo Jatoi, a close relative of the complainant party, is involved in heinous criminal cases and that the present proceedings have been initiated merely to settle scores with the police officials who had taken action against him. In support of his submissions, reliance is placed upon FIR Nos.08 of 2026 and 01 of 2026 against the close relative of the Respondent No.1.

4. Conversely, learned counsel for Respondent No.1 argued that the complainant has no relationship with the said Pervez alias Paroo Jatoi, except that they belong to the same caste. He submitted that the medical documents and death certificate available on record prima facie indicate that the deceased Asghar died on 08.02.2026 due to the injuries sustained in the alleged occurrence. He further contended that the police personnel had unlawfully attacked the house of the complainant party and that at the relevant time the present applicant was not posted as SHO in connection with FIR Nos.08 of 2026 and 01 of 2026; therefore, the plea that he

has been maliciously implicated is misconceived. Reliance is placed upon 2024 SCMR 1123.

5. Learned Deputy Prosecutor General, while relying upon the reports submitted by the police authorities, contended that the learned Justice of Peace failed to properly consider the material collected during proceedings. According to him, the impugned order reflects a mechanical exercise of jurisdiction without meaningful consideration of the reports submitted by the concerned police officers. He, therefore, did not support the impugned order.

6. Heard the learned counsel for the parties and has carefully perused the material available on record.

7. The record reveals that the alleged injured Asghar remained alive for approximately fourteen days after the occurrence and ultimately died on 08.02.2026. However, during this period no effort appears to have been made by the complainant party to approach the concerned forum for redressal or to seek legal recourse.

8. It is by now a settled principle of law that while exercising jurisdiction under Sections 22-A and 22-B, Cr.P.C, the Justice of Peace is required to act with caution and circumspection. The object of the provision is to redress genuine grievances relating to non-registration of cognizable offences and not to provide a forum for the misuse of criminal process. In the case of ***Munawar Alam Khan v. Qurban Ali Malano and others (2024 SCMR 985)***, the Honourable Supreme Court observed that applications under Sections 22-A and 22-B, Cr.P.C. should not be entertained or decided in a routine or mechanical manner and that the Court must remain vigilant against misuse of the process of law through frivolous or motivated complaints. Likewise, in ***Imtiaz Ahmed Cheema v. SHO, P.S. Daharki, District***

**Ghotki (2010 YLR 189)**, it was observed that the Justice of Peace is under a legal obligation to ensure that the provisions of Sections 22-A and 22-B, Cr.P.C. are not abused and that criminal law is not set into motion without adequate justification.

9. During perusal, it is further observed that indiscriminate invocation of the jurisdiction under Sections 22-A and 22-B, Cr.P.C., without due scrutiny of the material available on record, not only amounts to misuse of the statutory provisions but may also adversely affect the effective discharge of duties by law enforcement agencies. The Courts are required to maintain a delicate balance between protecting citizens from police inaction and preventing abuse of the criminal process against public functionaries performing their lawful duties. Particularly in areas where law and order challenges are acute, and incidents of kidnapping, murder and other heinous offences are prevalent, police officials are expected to take effective measures for the prevention and detection of crime. Such efforts should not be unnecessarily hampered through motivated or frivolous proceedings intended to deter law enforcement personnel from performing their statutory obligations or to provide indirect protection to criminal elements. Therefore, while exercising jurisdiction under Sections 22-A and 22-B, Cr.P.C., the Justice of Peace must ensure that the process of law is not employed as a tool to settle personal scores or to undermine legitimate police action undertaken in the maintenance of law and order.

10. Similarly, in **Jameel Ahmed Butt and another v. The State (2014 PCr.LJ 1093)**, it was held that applications under Section 22-A, Cr.P.C. should not be entertained lightly and directions for registration of criminal cases should not be issued mechanically, particularly where the allegations involve serious

offences capable of creating law and order problems and causing undue hardship to the proposed accused persons.

11. In the present case, the reports submitted by the concerned police authorities raised serious questions requiring proper consideration before issuance of directions for recording the statement under Section 154, Cr.P.C. Consequently, the order appears to have been passed without adequately examining whether a case for invoking jurisdiction under Sections 22-A and 22-B, Cr.P.C. was made out.

12. For the foregoing reasons, this Criminal Miscellaneous Application is allowed. Consequently, the impugned order dated 09.03.2026 passed by the learned Additional Sessions Judge-II/Justice of Peace, Shikarpur, in Criminal Miscellaneous Application No.250 of 2026 is hereby set aside.

**JUDGE**