

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Misc. Application No.S-303 of 2026
[Mst. Noor Jehan versus SSP Jamshoro and others]

Mr. Muhammad Rafique, advocate for applicant

Date of hearing: 23.06.2026

Date of decision: 23.06.2026

ORDER

TASNEEM SULTANA, J: Through the instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C., the applicant has assailed order dated 28.04.2026 passed by the learned Sessions Judge/Ex-Officio Justice of Peace, Jamshoro, in Criminal Miscellaneous Application No.507 of 2026, whereby her application under Sections 22-A & 22-B, Cr.P.C. for registration of FIR, recording of her statement, legal protection and recovery of allegedly taken away articles was disposed of/declined.

2. Briefly stated, the applicant alleged before the learned Ex-Officio Justice of Peace that on 03.03.2026, during the month of Ramzan, police officials along with other persons, without search warrant and without presence of lady police officials, entered into her house, damaged household articles, looted valuables, dowry articles, gold ornaments, cash, motorcycles and other articles, caused harassment to women and children, and thereafter involved her family members in false criminal cases. It was further alleged that her husband and son were detained and subsequently shown arrested in criminal proceedings. According to the applicant, despite approaching the police authorities, no action was taken, therefore, she approached the learned Ex-Officio Justice of Peace for recording of her version, registration of FIR, legal protection and recovery of articles.

3. Learned counsel for the applicant contends that the impugned order has been passed without proper appreciation of the material available on record; that the allegations disclosed commission of cognizable offences, therefore, the police were bound to record the statement of the applicant under Section 154, Cr.P.C.; that the proposed accused are police officials and the reports submitted by police officials could not have been treated as conclusive; that the applicant and her family members have been continuously harassed; and that the learned Ex-Officio Justice of Peace, at least, ought to have issued directions for protection and lawful treatment. He further submits that if the version of the applicant was found false, the law itself provides remedy under Sections 182 and 211, PPC.

4. Heard learned counsel for the applicant and perused the material available on record.

5. The record reflects that the applicant approached the learned Ex-Officio Justice of Peace with allegations of raid, harassment, looting, burning/damaging of household articles and registration of false criminal cases against her family members. It also appears from the material placed on record that several criminal cases/FIRs involving the applicant's family members have been brought on record, including FIR No.57/2026 registered at Police Station Jamshoro under Sections 397 and 452, PPC, FIR No.58/2026 registered under Sections 324, 353, 224, 147, 148, 149, 427, 337-A(i), 337-F(i), PPC and Section 6/7 ATA, and FIR No.63/2026. The impugned order further shows that reports from concerned quarters were called and the allegations of illegal raid, looting and burning were disputed.

6. It is well settled that jurisdiction under Sections 22-A & 22-B, Cr.P.C. is not to be exercised mechanically or as a matter of course. The Ex-Officio Justice of Peace is required to apply judicial mind and examine the nature of allegations, surrounding circumstances, criminal record, pending proceedings, mala fide, if any, and possible misuse of criminal process. In Munawar Alam Khan v. Qurban Ali Malano (2024 SCMR 985), the Honourable Supreme Court, while dealing with frivolous, false or vexatious complaints, observed as under:-

“Serious notice should be taken of frivolous, false or vexatious complaints and where applicable cases should be registered under sections 182 and 211 of the Pakistan Penal Code, 1860.”

Reference may also be made to Rai Ashraf and others v. Muhammad Saleem Bhatti and others (PLD 2010 SC 691), wherein mala fide motives and ulterior intention of the complainant in proceedings under Sections 22-A & 22-B, Cr.P.C. were considered by the Honourable Supreme Court. Thus, where the material before the Court shows that the allegations are disputed, connected with criminal record/pending proceedings, or appear to have been brought to exert pressure in relation to existing criminal process, the Justice of Peace is not bound to direct registration of FIR in a routine manner.

7. In the present case, the allegations of the applicant cannot be examined in isolation from the criminal record and pending proceedings involving her family members. The material placed on record shows background of repeated criminal proceedings involving the applicant's family members. The allegations regarding forcible entry, looting, burning of articles and seizure of movable property are seriously disputed and would require evidence and factual determination, which cannot be undertaken by this Court in exercise of inherent jurisdiction under Section 561-A, Cr.P.C., nor by the Ex-Officio Justice of Peace in summary proceedings under Sections 22-A & 22-B, Cr.P.C. Similarly, the prayer for constitution of JIT or inquiry through a particular agency cannot be granted merely on the basis of disputed allegations, particularly when the matter is already

connected with registered FIRs and pending proceedings involving the applicant's family members.

8. The prayer regarding return/recovery of allegedly taken away articles also does not fall within the scope of the present proceedings. If the applicant claims recovery or return of any specific movable property allegedly seized in connection with any criminal case, she may avail appropriate remedy before the competent Magistrate or the Court seized of the relevant criminal proceedings, in accordance with law. Disputed questions of ownership, possession, valuation, damage or loss of such articles cannot be adjudicated in the present proceedings.

9. However, the grievance of the applicant regarding protection and non-harassment requires separate consideration. Even where registration of FIR is declined, police officials are under a continuing legal obligation to act strictly within the bounds of law. In C.P.No.D-2063 of 2016, this Court observed that where a person approaches the Court with a grievance of insecurity, neglect, failure or excess by police authority, such grievance may fall within the ambit of Section 22-A(6)(iii), Cr.P.C., and providing protection is an undeniable duty of police.

10. Consequently, the impugned order, to the extent of declining registration of FIR, constitution of JIT and recovery of allegedly taken away articles, does not call for interference. However, the official respondents are directed to ensure that no harassment is caused to the applicant or her family members, and no raid, arrest, detention, search or seizure is carried out except strictly in accordance with law. This direction shall not affect any lawful investigation, arrest or proceedings already pending or to be initiated in accordance with law, and the applicant and her family members shall also cooperate with the lawful process.

11. The instant Criminal Miscellaneous Application stands disposed of in the above terms.

JUDGE