

## THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Misc. Application No.S-112 of 2025

**Applicant** : Mst. Nadia through Mr. Khan Muhammad Sangi, Advocate.

**Private Respondents** : Nemo.

**The State & Official Respondents No.2 to 4** : Through Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

**Date of Hearing** : 28-09-2026

**Date of Order** : 02-10-2026

### **ORDER**

**TASNEEM SULTANA, J.-** Through the instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C., applicant Mst. Nadia has assailed order dated 24.01.2025 passed by the learned Vth Additional Sessions Judge/Ex-Officio Justice of Peace, Sukkur, in Criminal Miscellaneous Application No.4246 of 2024, whereby her application under Sections 22-A & 22-B, Cr.P.C., seeking direction for recording of her statement and registration of FIR, was declined.

2. Briefly stated, the applicant alleged that on 13.12.2024 she came to Flat No.01, ground floor, House No.B-1840, Qasar-e-Naseer, Bagh Hayat Ali Shah, Sukkur, along with Muhammad Akbar and Dilshad Ahmed for handing over its possession to a proposed tenant, where she found the lock of the flat broken and household articles missing. According to her, when she questioned the proposed accused, they stated that the articles had been taken by them. She further alleged that later the proposed accused, accompanied by other persons, came to the premises, subjected her to kicks and fist blows and extended threats of murder. It was also alleged that threats were subsequently extended through WhatsApp voice messages. According to the applicant, despite approaching the concerned police station, her version was not recorded, hence she approached the learned Ex-Officio Justice of Peace.

3. The record reflects that the applicant is the sister-in-law of the proposed accused and that the controversy has arisen amongst close family members concerning Flat No.01, ground floor, House No.B-1840, Qasar-e-Naseer, Bagh

Hayat Ali Shah, Sukkur. The applicant claims that the said flat was in possession of her husband and alleges removal of household articles from the premises, whereas the private respondents have denied the allegations and taken a different position regarding the property. The inquiry conducted through the Complaint Cell also reflects the same underlying family dispute, while the documents produced by the parties substantially relate to their respective claims concerning the property.

4. Learned counsel for the applicant contended; that the allegations disclosed commission of cognizable offences; that the learned Ex-Officio Justice of Peace declined the application merely on account of an existing family/property dispute; that the applicant had placed material on record, including a USB containing alleged voice messages, record of her call to Police Helpline 15 and documents relating to the property; that existence of a property dispute was not sufficient to decline registration of FIR; and that the impugned order is liable to be set aside.

5. Conversely, learned Deputy Prosecutor General supported the impugned order; contended that the controversy arose out of a family property dispute; that the proposed accused had denied the allegations during inquiry; that according to the inquiry report the applicant did not join the inquiry or produce her witnesses before the inquiry officer; and that no ground for interference with the impugned order has been made out.

6. Heard. Record perused.

7. The record reflects that the applicant is the sister-in-law of the proposed accused and that the controversy has arisen amongst close family members concerning Flat No.01, ground floor, House No.B-1840, Qasar-e-Naseer, Bagh Hayat Ali Shah, Sukkur. The applicant claims that the said flat was in possession of her husband and alleges removal of household articles from the premises, whereas the private respondents have denied the allegations and taken a different position regarding the property. The inquiry conducted through the Complaint Cell also reflects the same underlying family dispute, while the documents produced by the parties substantially relate to their respective claims concerning the property.

8. It is settled that jurisdiction under Section 22-A(6), Cr.P.C. is not to be exercised mechanically, nor is the Ex-Officio Justice of Peace required to

conduct a mini-trial or determine the truth or falsity of the allegations. The nature of the dispute, the relationship between the parties and the surrounding circumstances are, however, relevant while considering such an application.

9. In Munawar Alam Khan v. Qurban Ali Malano and others (2024 SCMR 985), the Honourable Supreme Court emphasized that applications under Sections 22-A & 22-B, Cr.P.C. should not be lightly entertained or decided mechanically for directing registration of an FIR. In Syed Qamber Ali Shah v. Province of Sindh and others (2024 SCMR 1123), the Honourable Supreme Court reiterated that the Ex-Officio Justice of Peace is required to examine the matter and pass an appropriate order without entering into a detailed inquiry regarding the truth or falsity of the allegations.

10. In the present case, the allegations regarding breaking of the lock, removal of household articles and the subsequent confrontation have arisen in the background of an existing family/property dispute. The material placed before the learned Ex-Officio Justice of Peace also reflected competing claims regarding the flat and the articles allegedly kept therein. The learned Ex-Officio Justice of Peace considered the relationship between the parties and the nature of the controversy before declining the request for registration of FIR. In these circumstances, the impugned order cannot be said to have been passed mechanically or without application of judicial mind.

11. In view of the above facts and circumstances, the material available on record does not disclose any illegality or jurisdictional defect in the impugned order warranting interference by this Court under Section 561-A, Cr.P.C. Consequently, the instant Criminal Miscellaneous Application is without merit and is accordingly dismissed.

**J U D G E**

Ahmad