

## **THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

### **Criminal Miscellaneous Application No.S-163 of 2026**

**Applicant** : Azhar Hussain Indhar through M/s  
Achar Khan Gabol & Ghulam Ali  
Bozdar, Advocates.

**Respondent No.10** : Qamaruddin through Mr. Hamayoon  
alias Soorat Ali Khan, Advocate.

**Private respondents No.4 to 9 & 11 to 20.** : Nemo.

**The State & official Respondents No.1 to 3** : Through Mr. Muhammad Raza Katohar,  
Deputy Prosecutor General.

**Date of Hearing** : **21-09-2026**

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

### **ORDER**

**TASNEEM SULTANA, J.-** Through the instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C., applicant Azhar Hussain Indhar has assailed the order dated 11.02.2026 passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Pano Aqil, in Criminal Miscellaneous Application No.181 of 2026, whereby his application under Sections 22-A(6)(i) and 22-B, Cr.P.C., seeking registration of an FIR against the proposed accused, was dismissed.

2. Briefly stated, the applicant alleged that on 20.01.2026, at about 2:30 p.m., he, along with Haji Ziaullah and Samiullah, went to the office of Mukhtiarkar, Pano Aqil, to collect property documents from the Tapedar and pay Rs.1,000,000/- to fertilizer dealer Prem Chand. The proposed accused arrived there in a vehicle and on motorcycles. Asadullah allegedly instigated the others to abduct the applicant and inflicted a lathi blow on his right little finger, while Qamaruddin struck him on his mouth with a pistol butt and Saadullah inflicted butt blows on his right knee and left ankle. Haji Ziaullah was also assaulted. The applicant further alleged that Arsalan and Ishaque took away Rs.1,000,000/- at pistol point, while some of the proposed accused attempted to take him towards their vehicle. On the arrival of police, they fled. According to the applicant, the police refused to

register his FIR or issue a letter for medical examination, whereafter he approached the learned Ex-Officio Justice of Peace.

3. Learned counsel for the applicant contended that the allegations disclosed commission of cognizable offences; that the applicant and Haji Ziaullah sustained injuries documented through medical certificates; that the police failed to take action on his complaint; and that the previous litigation and property dispute between the parties did not justify rejection of his allegations. He prayed for setting aside the impugned order and issuance of directions for registration of the applicant's FIR.

4. Conversely, learned counsel appearing on behalf of respondent No.10 opposed the application and contended that FIR No.08 of 2026 had already been registered at Police Station Pano Aqil concerning the same occurrence; that the applicant sought registration of a separate FIR to pressurize the opposite party; and that another FIR concerning the same incident could not be registered in view of the law laid down in Mst. Sughran Bibi v. The State (PLD 2018 SC 595). Learned Additional Prosecutor General supported the applicant.

5. Heard. Record perused.

6. It appears from the record that FIR No.08 of 2026 was registered at Police Station Pano Aqil on the complaint of Qamaruddin against the applicant and others concerning the occurrence dated 20.01.2026. The applicant gives a different account of the same occurrence and alleges that the opposite party assaulted him and Haji Ziaullah, took away his money and attempted to abduct him. The learned Ex-Officio Justice of Peace declined the application on the grounds that previous litigation between the parties raised the possibility of false implication; that their dispute concerned landed property and was civil in nature; and that the provisional medical certificates did not disclose a cognizable offence.

7. The scope of proceedings under Section 22-A, Cr.P.C., was explained by the Honourable Supreme Court in Syed Qamber Ali Shah v. Province of Sindh and others (2024 SCMR 1123). The Ex-Officio Justice of Peace is required to examine whether the facts narrated disclose commission of a cognizable offence. Such consideration does not extend to

determining the truthfulness of the allegations or assuming the functions of an investigating agency or prosecutor.

8. The previous criminal cases and property dispute between the parties were not sufficient, by themselves, to discard the applicant's allegations concerning the occurrence of 20.01.2026. Whether the applicant and Haji Ziaullah were assaulted by the proposed accused, whether money was taken from the applicant and whether an attempt was made to abduct him are matters requiring investigation.

9. The police reports refer to the case registered on Qamaruddin's complaint and characterize the applicant's allegations as an attempt to pressurize the opposite party. The SHO's subsequent statement dated 16.04.2026 mentions that statements supporting Qamaruddin had been recorded and that investigation was pending. It does not, however, disclose whether the applicant's version, the statements of his witnesses and his medical evidence were examined during investigation.

10. The medical record placed before this Court includes a final certificate dated 03.02.2026 recording a fracture of the distal phalanx of the applicant's right little finger, besides other injuries, and a separate certificate documenting injuries sustained by Haji Ziaullah. While these certificates do not establish the identity of the assailants or the correctness of the remaining allegations, they are relevant to the applicant's version and require consideration during investigation.

11. In Mst. Sughran Bibi (*supra*), the Honourable Supreme Court held that different versions of the same incident are to be recorded under Section 161, Cr.P.C., and investigated in the same case, without registration of a separate FIR. The investigating officer must examine all versions brought to his notice and reach a conclusion on the basis of the material collected. Since the applicant's allegations concern the occurrence already covered by FIR No.08 of 2026, his request for a separate FIR cannot be granted. His version and supporting material must, however, be investigated in that case.

12. In view of the above facts and circumstances, the instant Criminal Miscellaneous Application is **disposed of** with directions to the investigating officer of FIR No.08 of 2026, Police Station Pano Aqil, to

record the statements of the applicant and his witnesses under Section 161, Cr.P.C., if not already recorded, and take on record the medical certificates and other relevant material produced by him. The investigating officer shall investigate both versions fairly and place the result before the competent Court through a report under Section 173, Cr.P.C., or a supplementary report, as the case may be, in accordance with law. The refusal to direct registration of a separate FIR is maintained, subject to the above directions.

**13.** The observations made herein or in the impugned order shall not influence the determination of the merits of either version.

**J U D G E**

Ahmad