

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Criminal Miscellaneous Application No.S-329 of 2026
(Roshan Vs. SSP Jacobabad & Others)

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
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01. For orders on office objection "A".

02. For hearing of main case.

28.09.2026.

Mr. Rafique Ahmed Abro, Advocate for the Applicant.

Mr. Nazir Ahmed Bangwar, Deputy Prosecutor
General a/w Inspector Fida Hussain, SHO, P.S,
Miranpur Buriro, Jacobabad.

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ORDER

Ali Haider 'Ada', J:- Through this Miscellaneous Application, the applicant has assailed the order dated 29.08.2026, passed by the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Jacobabad, whereby his application under Sections 22-A and 22-B, Cr.P.C. was disposed of with the direction that the SSP, Jacobabad, conduct an impartial inquiry through an officer not below the rank of DSP and submit the report before the learned Justice of Peace.

2. The crux of the matter is that the present applicant filed an application under Sections 22-A and 22-B, Cr.P.C., nominating proposed accused Arbab and Imdad, along with two unknown persons, alleging that they had committed the murder of his cousin, namely Budhal, by causing firearm injuries, as a result of which he succumbed to his injuries and died. A medico-legal certificate was also issued in respect of the deceased. The incident was initially reported to the police; however, as the FIR was not registered, the applicant approached the learned Justice

of Peace, who, instead of directing registration of the FIR, passed the impugned order.

3. Learned counsel for the applicant submitted that a heinous offence had been committed and the accused had specifically been nominated, whereas the learned Justice of Peace merely relied upon the report of the DSP, Complaint Cell, and disposed of the application by directing the SSP, Jacobabad, to conduct an inquiry through an officer not below the rank of DSP. According to learned counsel, such direction was beyond the scope of jurisdiction vested in the Justice of Peace, who could not assume the role of an Investigating Officer. Reliance was placed upon *Syed Qamber Ali Shah v. Province of Sindh*, 2024 SCMR 1123.

4. Inspector Fida Hussain, SHO, Police Station Miranpur Buriro, Jacobabad, is present before the Court and submitted an endorsement showing that the proposed accused were duly served; however, despite service, they have not appeared today. He has also placed on record the statements of the SSP, Jacobabad.

5. Learned Deputy Prosecutor General, Sindh, submitted that it is not within the domain of the Justice of Peace to direct an inquiry into the allegations before registration of the FIR, as investigation is to be undertaken by the police in accordance with law after registration of the FIR. He, however, acknowledged that a grievous offence has been alleged and the same ought to be reported in accordance with law. He did not support the impugned order and also relied upon the postmortem report.

6. Heard and perused.

7. The scope of jurisdiction of the learned Justice of Peace under Sections 22-A and 22-B, Cr.P.C. is limited to examining whether the facts placed before the Court disclose a cognizable offence and whether the grievance of the aggrieved person requires appropriate direction in accordance with law. The

Justice of Peace is not vested with the jurisdiction to conduct an inquiry into the truth or otherwise of the allegations, which falls within the domain of the Investigating Officer.

8. In the present case, the proposed accused have specifically been nominated for commission of the murder of the deceased. However, instead of passing an appropriate direction in accordance with Sections 22-A and 22-B, Cr.P.C, the learned Justice of Peace directed the SSP, Jacobabad, to conduct an inquiry through an officer not below the rank of DSP before registration of the FIR. Such exercise is contrary to the scope of the jurisdiction vested in the Justice of Peace. As held by the Honourable Supreme Court in **Syed Qamber Ali Shah v. Province of Sindh, 2024 SCMR 1123**, the Justice of Peace cannot assume the role of an Investigating Officer or act as an investigating agency.

9. Moreover, the direction for conducting an inquiry before registration of the FIR is also inconsistent with the scheme of Sections 154 and 156, Cr.P.C. Once information disclosing commission of a cognizable offence is furnished to the police, the same is to be dealt with in accordance with Section 154, Cr.P.C, whereas investigation under Section 156, Cr.P.C. follows registration of the FIR. The relevant provisions of **Chapter XXV of the Police Rules, 1934**, are thereafter attracted for conducting investigation in accordance with law. Thus, an inquiry of the nature directed by the learned Justice of Peace, prior to registration of the FIR, could not substitute the statutory procedure prescribed by law.

10. In view of the foregoing reasons, the instant application is allowed. The impugned order dated 29.08.2026, passed by the learned Additional Sessions Judge-I/Ex-Officio Justice of Peace, Jacobabad, is hereby set aside. The SHO, Police Station Miranpur Buriro, Jacobabad, is directed to record the statement

of the applicant and, if a cognizable offence is made out, register the FIR and proceed further in accordance with law.

JUDGE