

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

Criminal Miscilionious Application No.S-307 of 2026
(Mst.Saima Riaz Vs. The State & 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.
- 03. For hearing of M.A.No.4521/2026. (S/A)

21.09.2026.

Mr. Shoukat Ali Makwal Chandio, Advocate for the Applicant.

Mr. Muhammad Afzal Jagirani, Advocate for Respondent No.3.

Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General, Sindh.

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Ali Haider 'Ada', J:- The applicant has assailed the order dated 25.08.2026, passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Dadu, in Criminal Miscellaneous Application No.2034/2026, whereby the application filed by respondent No.3 under Sections 22-A and 22-B, Cr.P.C. was allowed. Being aggrieved thereof, the present applicant, who was nominated as a proposed accused, has filed the instant application.

- 2. The crux of the prosecution case is that the present applicant is the sister-in-law of respondent No.3 and, allegedly, owing to some previous grudge, committed robbery of gold ornaments belonging to Nusrat, wife of the applicant's brother. The alleged incident was brought before the learned Ex-Officio Justice of Peace, who directed registration of the FIR.
- 3. Learned counsel for the applicant submitted that the matter essentially arises out of a matrimonial/family dispute and that the

application under Sections 22-A and 22-B, Cr.P.C. was filed to settle such dispute through criminal proceedings. It is further contended that the learned Ex-Officio Justice of Peace, without properly examining the material available on record and the surrounding circumstances, mechanically passed the impugned order directing registration of the FIR. Learned counsel, therefore, prayed for setting aside of the impugned order.

4. On the other hand, learned counsel for respondent No.3 submitted that the offence of robbery had in fact been committed and that the present applicant, being involved in the commission of the alleged offence.

5. Learned Deputy Prosecutor General, Sindh, supported the impugned order passed by the learned Ex-Officio Justice of Peace, contending that although a matrimonial dispute appears to exist between the parties, the allegations nevertheless require investigation in accordance with law.

6. Heard and perused.

7. From the contents of the application and the material available on record, it appears that the entire controversy is rooted in a family/matrimonial dispute between the parties. In such circumstances, the possibility of false implication cannot, at this tentative stage, be ruled out. The material, therefore, entails cautious examination, particularly where the dispute between the parties is essentially of a matrimonial/family nature. Reliance in this regard may be placed upon **Shahzaib Mughul v. 1st Additional Sessions Judge, Hyderabad, 2014 P.Cr.L.J. 1242.**

8. Furthermore, in **Munawar Alam v. Qurban Ali Malano and others, 2024 SCMR 985**, the Honourable Supreme Court has emphasized that the jurisdiction under Sections 22-A and 22-B, Cr.P.C. is not to be exercised mechanically and that the Court must remain vigilant against misuse of the said provisions for procuring registration of criminal cases on the basis of allegations arising out of private disputes.

9. In the present case, the learned Ex-Officio Justice of Peace appears to have issued the direction for registration of the FIR without considering the material and the possibility of misuse of the criminal process. The material available on record, therefore, prima facie calls for interference with the impugned order.

10. Accordingly, the instant application is allowed. The impugned order dated 25.08.2026, passed by the learned Additional Sessions Judge-II/Ex-Officio Justice of Peace, Dadu, in Criminal Miscellaneous Application No.2034/2026, is hereby set aside.

JUDGE