

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

Criminal Miscellaneous Application No. S- 267 of 2026.
(Mst. Rahimat Khatoon Vs S.H.O P.S Mero Khan and others)

<i>Date</i>	<i>Order with signature of Judge</i>
	1. <i>For orders on office objection-A.</i> 2. <i>For hearing of main case.</i>

14-09-2026.

Mr. Ashfaq Hussain Abro, Advocate for the applicant
Mr. Rafique Ahmed K. Abro, Advocate for proposed accused.
Mr. Sardar Ali Solangi, Deputy Prosecutor General.

Ali Haider “Ada’ J:- Through this application, the applicant has assailed the order dated 27.06.2026, passed by the learned Additional Sessions Judge-II/Ex-officio Justice of Peace, Kambar, whereby the application filed by the present applicant under Sections 22-A and 22-B Cr.P.C. was dismissed.

2. The crux of the matter is that the present applicant filed an application under Sections 22-A and 22-B Cr.P.C. on the ground that his brother, namely Rahib Ali, had sustained a firearm injury at the hands of the proposed accused, which injury was declared as *Jurah Ghayr-i-Jaifah Mutalahimah*, constituting a cognizable offence. However, the learned Justice of Peace, declined the application.

3. Learned counsel for the applicant submits that the proposed accused attacked the applicant party, during which the applicant’s brother, namely Rahib Ali, sustained a firearm injury. He submits that despite the occurrence and the injury sustained by the injured, the matter was not reported by the police, compelling the applicant to approach the learned Justice of Peace. He further submits that the facts narrated in the application prima facie disclose a cognizable

offence and, therefore, the applicant is entitled to record her in accordance with Section 154 Cr.P.C.

4. On the other hand, learned counsel for the proposed accused submits that there is an admitted land dispute between the parties and that the medical certificate itself is under challenge. He submits that, owing to previous enmity, the applicant has concocted a false story and falsely implicated the proposed accused. He further submits that the learned Justice of Peace, after considering the material placed before him, passed a detailed and speaking order. He particularly relies upon paragraph No.7 of the impugned order, wherein reference has been made to the photographs produced before the learned Justice of Peace, showing the injured lying on a bed with two attendants, one of whom was holding a mobile phone. He submits that the facial expression of the injured, as appearing in the photographs, suggested that he was smiling, which, according to learned counsel, was unusual in the circumstances alleged. He, therefore, submits that the learned Justice of Peace rightly declined the application.

5. Learned Deputy Prosecutor General supports the impugned order.

6. Heard and perused the record.

7. The question which arises for consideration is whether, while exercising jurisdiction under Sections 22-A and 22-B Cr.P.C, the learned Justice of Peace was justified in scrutinizing the material in the manner reflected in the impugned order and in drawing conclusions on disputed factual aspects. It is settled that the learned Justice of Peace is not required to conduct a full-fledged inquiry or investigation into the allegations, nor is he competent to record findings on disputed questions of fact or adjudicate upon the merits of the proposed criminal case. The primary duty of the learned Justice of Peace is to examine whether the facts narrated in the

application prima facie disclose a cognizable offence and whether the request for registration of the case is actuated by mala fide. Once the facts narrated prima facie disclose a cognizable offence, the matter is required to be dealt with in accordance with Section 154 Cr.P.C., leaving the disputed factual aspects to be examined by the Investigating Officer during the course of investigation.

8. In the present case, paragraph No.7 of the impugned order itself demonstrates that the learned Justice of Peace entered into an appreciation and scrutiny of the material by relying upon the photographs of the injured and drawing an inference from his facial expression. Such exercise travels beyond the limited jurisdiction vested in the learned Justice of Peace under Sections 22-A and 22-B Cr.P.C. The question whether the occurrence took place in the manner alleged, whether the injury was sustained in the alleged circumstances, and whether the allegations are false or genuine are matters falling within the domain of investigation and cannot be conclusively determined at the stage of consideration of an application under Sections 22-A and 22-B Cr.P.C.

9. The purpose of Section 22-A and 22-B Cr.P.C. is not to substitute the jurisdiction of the Investigating Officer or to undertake an investigation by the learned Justice of Peace. Where a person alleges that her brother has sustained a firearm injury and the facts narrated disclose a cognizable offence, his grievance is initially required to be examined by the police in accordance with Section 154 Cr.P.C. If the police fails to perform its statutory duty, the remedy under Sections 22-A and 22-B Cr.P.C. is available to the aggrieved person.

10. The power of investigation under Section 156 Cr.P.C. is significant to the registration of a case under Section 154 Cr.P.C.; therefore, the controversy and the evidentiary worth of the allegations are matters to be examined during the course of investigation. The learned Justice of Peace cannot assume the role of

the Investigating Officer by weighing the evidence, scrutinizing photographs, or determining the truthfulness of the allegations at the threshold.

11. The above view is supported by the judgment of the Hon'ble Supreme Court of Pakistan in **Syed Qambar Ali Shah v. P.O. Sindh and others (2024 SCMR 1123)**.

12. For the foregoing reasons, the instant application is allowed. The impugned order dated 27.06.2026, passed by the learned Additional Sessions Judge-II/Ex-officio Justice of Peace, Kambar, is hereby set aside. Consequently, the SHO, Police Station Mero Khan, is directed to record the statement of the present applicant and, if the facts narrated therein disclose a cognizable offence, to register the case in accordance with Section 154 Cr.P.C.

JUDGE