

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD

C.P No.D-2113 of 2016

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**DATE                      ORDER WITH SIGNATURE OF JUDGE**

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Present:

*Naimatullah Phulpoto,J*

*Rasheed Ahmed Soomro,J*

For Katcha Peshi.

Date of hearing:                      18.01.2017

Date of decision:                      25.01.2017

Petitioner:                              Through Mr. Mohsin Raza Gopang, Advocate.

Official Respondents:                Through Syed Meeral Shah D.P.G.

Respondent No.4:                      Through Mr. Muntazir Mehdi Laghari, Advocate.

**O R D E R**

**RASHEED AHMED SOOMRO,J-** Through instant Constitutional Petition, petitioner Rajab has called in question the order/letter dated 23.05.2016, passed by learned Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad, whereby S.H.O P.S Kazi Ahmed was directed to register the F.I.R and investigate the case in accordance with law.

2.        Brief facts leading to the filing of petition are that respondent Yar Muhammad sent an application through post to the learned Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad for seeking directions for registration of the F.I.R, as concerned S.H.O had refused to register F.I.R. It is alleged in the application that his son has been murdered. Learned Sessions Judge passed the orders on it for appearance of the applicant before him. It appears that Yar Muhammad appeared before the learned Sessions Judge and requested for direction to S.H.O for registration of F.I.R. Record reflected that learned Sessions Judge without passing speaking orders, forwarded application of Yar Muhammad to the S.H.O P.S Kazi Ahmed with directions to register the F.I.R and conduct investigation in accordance with law.

3. Learned Counsel for petitioner contended that learned Sessions Judge/Ex-Officio Justice of Peace issued directions to concerned S.H.O for registration of the F.I.R without applying judicial mind. It is further contended that application of Yar Muhammad was forwarded to S.H.O without passing speaking order. Lastly, contended that impugned order is not sustainable under the law.

4. Mr. Muntazir Mehdi Laghari Counsel for respondent No.4 submits that son of the complainant Yar Muhammad has been murdered and S.H.O had refused to register the F.I.R, thereafter, directions were issued by Sessions Judge to the S.H.O P.S Kazi Ahmed for registration of the FIR. He has submitted that a cognizable offence has been committed and S.H.O was bound to register the F.I.R.

5. Syed Meeral Shah D.P.G. argued that Yar Muhammad approached S.H.O. for registration of F.I.R. regarding cognizable offence but S.H.O refused. He has submitted that Sessions Judge has rightly issued direction to S.H.O for registration of F.I.R.

6. We have carefully heard the learned Counsel for the parties and perused the relevant record.

7. Under Section 154 Cr.P.C a statutory duty has been cast upon officer incharge of a police-station to enter information regarding commission of any cognizable offence. Section 154 Cr.P.C. reads as under:

*“154. Information in cognizable cases. Every information relating to the commission of a cognizable offence if given orally to an officer incharge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf.”*

8. Yar Muhammad (Respondent No.4) in his application addressed to the learned Sessions Judge/Ex-Officio Justice of Peace, Shaheed Benazirabad has mentioned that his son has been murdered. He approached S.H.O concerned for registration of F.I.R

but he refused to enter information regarding commission of cognizable offence under Section 154 Cr.P.C. Thereafter, directions were issued by learned Sessions Judge/Ex-Officio Justice of Peace to the SHO P.S Kazi Ahmed for registration of the F.I.R. and its investigation in accordance with law. Such directions are in accordance with law. No doubt, learned Sessions Judge/Ex-Officio Justice of Peace was required to pass the speaking order but it has not been done. Anyhow, there is no legal infirmity in the impugned order.

9. Consequently, Constitution Petition is without merit, the same is dismissed. SHO P.S Kazi Ahmed shall record the statement of Yar Muhammad (respondent No.4) under Section 154 Cr.P.C, in case from his statement a cognizable offence is made out, under intimation to this Court through Additional Registrar of this Court.

JUDGE

JUDGE