

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

Cr. Misc. Appln: No.S-353 of 2021

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on office objection  
For hearing of main case  
For hearing of stay application.

Date of hearing: 24.01.2022.

Date of decision:07.02.2022.

Mr. Karim Bux Rind advocate for applicant.  
Mr. Taj Muhammad Keerio advocate for respondent No.2.  
Ms. Safa Hisbani, A.P.G. for the State.

**ORDER.**

**SHAMASUDDIN ABBASI,J:-** By this order, I intend to dispose of above captioned criminal miscellaneous application, whereby applicant has impugned order dated 15.06.2021 passed by Ex-Officio Justice of Peace on the application filed by respondent No.2 under section 22-A(6(i), Cr.P.C, whereby SHO concerned was directed to record the statement of the respondent No.2 in terms of u/s 154, Cr.P.C. SHO was also directed not to arrest proposed accused persons unless sufficient incriminating material involving them in the commission of offence is brought on record.

2. Learned counsel for the applicant contended that learned Ex-Officio Justice of Peace/IV-Additional Sessions Judge, Shaheed Benazirabad has not applied his judicial mind while allowing the application of the respondent No.2 because there is dispute between the parties over landed property; that respondent No.2 is habitual litigant and has filed several false complaints against applicant's party, therefore, impugned order is liable to be set aside.

3. Learned counsel for respondent No.2 submits that according to the contents of alleged incident, proposed accused have committed a cognizable offence and proposed accused caused injuries to them in the alleged incident, therefore, SHO is bound to register her FIR.

4. Learned A.P.G. supported the impugned order passed by learned Ex-Officio Justice of Peace/IV. Additional Sessions Judge, Shaheed Benazirabad.

5. Apparently, learned counsel for the applicant has failed to point out any illegality or infirmity in the impugned order. It is well-settled law that SHO is under legal obligation to register F.I.R under section 154, Cr.P.C, if from such information a cognizable offence is made out. Reliance is placed upon the case of MUHAMMAD BASHIR v. SHO OKARA CANTT. and others (PLD 2007 SC 539), wherein Honorable Supreme Court has held that no authority vested with an Officer Incharge of a Police Station or with anyone else to refuse to record an F.I.R. where the information conveyed, disclosed the commission of a cognizable offence.

6. From the contents of application, it appears that since the allegations leveled by the applicant in her application before the Ex-Officio Justice of Peace are regarding injury case, therefore, SHO concerned / respondent No.1 is directed to record the statement of the respondent No.2 and if it discloses a cognizable offence, he should incorporate the same in 154, Cr.P.C book, but no arrest shall be made till tangible material is collected during investigation and in case the F.I.R is found false the complainant should be dealt with in accordance with law. However, it is made clear that the investigation be conducted by an honest police officer not below the rank of Sub-Inspector.

In view of above, instant application is disposed of.

JUDGE