

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CrI. Misc. Application No. 492 of 2020**

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Date

Order with signature of Judge

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**Directions.**

For orders as to maintainability of CrI.Misc. Application (as per order dated 17.12.2020.

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**01<sup>st</sup> July 2021.**

Mr. Mushtaq Ahmed, advocate for applicant alongwith applicant Hashmat Khalid.

M/s. Tajjammul H. Lodhi and Nausheen Khan Tajjammul, advocate for respondents No.6.

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Petitioner approached Ex-Officio Justice of Peace/District & Sessions Judge with regard to recording of his statement under Section 154 Cr.P.C. on the plea that his son in law aimed pistol on him and issued threats of dire consequences. Learned Ex-Officio Justice of Peace called reports on the basis of reports and admission and family disputes denied that application. Learned counsel for the petitioner contends that applicant will not press any allegation against respondent No.6, who is mother of respondent No.5, however, statement is to be recorded by the SHO that is mandatory provision, if same narrates ingredients of cognizable offence may be incorporated under the book provided under Section 154 Cr.P.C.

In contra learned counsel for the respondent, inter alia, contends that learned trial judge has rightly declined request of applicant. He has emphasized over paragraph No. 2 & 3 of impugned order, which speaks the family dispute. Whether respondent No.5 aimed pistol and issued threats of dire consequences or not is the duty of police officer to conduct probe, hence, present Misc. Application is allowed; impugned order is set aside; applicant's statement shall be recorded by the concerned SHO if same narrates ingredients of cognizable offence incorporated under the book provided under Section 154

Cr.P.C. Needless to mention that no arrest shall be caused unless tangible evidence is collected against proposed accused No. 5 only.

Disposed of.

**J U D G E**

Sajid