

**IN THE HIGH COURT OF SINDH,  
BENCH AT SUKKUR**

**Cr. Misc. Application No. S-596 of 2023**

Applicant : Mst. Shahnaz Umrani thorough Mr. Muhammad Junaid Akram, Advocate.

Respondents # 1 to 4 : The State, through Mr. Kamran Mobeen Khan Assistant P.G.

Respondent # 5 to 9 : Nemo

Date of Hearing : 06.11.2023

**ORDER**

**YOUSUF ALI SAYEED, J.** – The Applicant has impugned the Order made by the Additional sessions Judge-I/Justice of Peace Sukkur on 24.08.2023, whereby Criminal Misc. Application No.2614/2023 filed by the Respondent No.5 under Section 22-A Cr. PC was allowed so as to direct the Station House Officer of Police Station Rohri to record his statement and register a First Information Report against the persons arrayed in that application as the proposed accused, and Criminal Misc. Application No.2658/2023 filed by the Applicant was treated as a counter-version and dismissed on the touchstone of the principle laid down by the Supreme Court in the case reported as Mst. Sughra Bibi vs. The State PLD 2019 Supreme Court 595 with the investigating officer of that case being required to record her narrative in the form a statement under Section 161 Cr.P.C.

2. The rival contentions advanced by the Respondent No.5 and Applicant and through their respective applications were recorded by the learned Justice of the Peace in the impugned Order, the relevant excerpt of which reads as follows:

“2. Applicant Gul Bahar in the contents of Crl. Misc. Application No. 2614/2023 alleged that on 17.07.2023 at about 09.45 a.m applicant along with his son Sheral and brother Ali Gul were present outside the home, in the meanwhile proposed accused mentioned in title of this petition, being armed with deadly weapons i.e hatchets and lathies came there, while coming they caused hatchet injuries to the applicant and his son and also caused lathi injury to the brother of applicant and thereafter, all the proposed accused went away. Thereafter, applicant party approached concerned PS and obtained latter for medical treatment and after treatment they approached P.S but their FIR was not lodged.

3. Applicant Mst. Shahnaaz in the contents of Crl.Misc.Application No.2658/2023 alleged that on 17.07.2023 at about 09.00 a.m applicant along with her son Kamran, Amir and her daughter namely Humaira were present in their home, in the meanwhile proposed accused mentioned in the title of this petition, being armed with deadly weapons i.e Hatchets and Lathies came there, while coming they issued threats and caused injuries to Kamran, Amir, Shahnaz and Humaira and thereafter, all the proposed accused went away while issuing threats. Thereafter, applicant party approached concerned PS and obtained letter for medical treatment and after free from hospital then approached P.S but their FIR was not lodged.”

3. The learned Justice of the Peace then went on to observe and hold as follows:

5. It reveals that police in their reports admitted that an incident of quarrel has taken wherein persons of both the parties received injuries. It further reveals that provisional MLCs of injured of both the parties are available on record, which prima facie showing commission of cognizable offence occurred on 17.07.2023. The Crl.Misc. Application No.2614/2023 filed earlier to that of Crl.Misc.Application No.2658/2023, as such SHO PS Rohri is directed to record the statement of applicant Gul Bahar and if the facts disclosed by him constitutes the commission of cognizable offence same be registered under section 154 Cr.P.C. As two counter version are agitated by both applicants as such applying the principle enshrined by the Honourable

Supreme Court of Pakistan in case PLD 2019 Supreme Court 595 (Re-Mst. Sughra Bibi vs. The State), only one version has to be recorded in the FIR, which as per the order mentioned above to be recorded that of applicant Gul Bahar, however, the version put forth by the applicant Mst. Shahnaz and her witnesses if any, shall also be taken into account by recording statement under section 161 Cr.P.C by the I.O concerned and the I.O after collecting the evidence relevant to the commission of offence shall submit the report accordingly before the competent court.

4. Upon consideration of the matter, it is apparent that the narrative of the Applicant is set differently in time and place, involving somewhat different protagonists, and cannot be summarily dismissed as a counter-version for purpose of the principle laid down in Sughra Bibi's case (Supra).
5. That being so, the instant Criminal Miscellaneous Application under Section 561-A Cr.PC is allowed with the impugned Order being set aside and the SHO PS Rohri being directed to record the statement of the Applicant and register an FIR under Section 154 Cr.PC if the facts disclosed *prima facie* constitute the commission of a cognizable offence.

JUDGE