

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
**Criminal Misc. Application No. 368 of 2024**

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Date Order with Signature(s) of Judge(s)

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Fresh Case.

1. For order on M. A. No. 6565/2024 (*Urgency Application*)
2. For order on office objection
3. For order on M. A. No. 6566/2024 (*Exemption Application*)
4. For hearing of main case
5. For order on Misc. Application No. 6567/2024 (*Stay Application*)

**14.06.2024**

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Mr. Jeewat ram, advocate for applicants.  
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**ZAFAR AHMED RAJPUT, J:-** The respondent No.4 herein filed Cr. Misc. Application No. 2210/2024 ("**Application**"), under section 22-A (6) (I) & B, Cr.P.C. (*Re: Mst. Naseem vs. SP, Complaint Cell Hyderabad and others*) before the Sessions Judge/Ex-Officio Justice of Peace Hyderabad, seeking directions to respondent No. 2 (*S.H.O., P.S. Pinyari, Hyderabad*) to record her statement under section 154, Cr. P.C. and lodge the F.I.R. against the proposed accused as per her verbatim. It was case of the respondent No.4 that, on 26.04.2024 at about 02:00 p.m., her daughters, namely, Hina, 20, and Muskan, 13, went to the house of proposed accused No. 1, as her daughter Hina was having friendly relationship with her, and since then their whereabouts are not known to anyone. It was further case of the respondent No.4 that the respondent No. 2 refused to lodge the F.I.R. The Application was heard and disposed of by the II-Addl. Sessions Judge/Ex-Officio Justice of Peace Hyderabad, vide order dated 23.05.2024, observing that the allegations were serious in nature which require further probe and directing to respondent No.2 to record the statement of the applicant; if cognizable offence is made out, the same be incorporate in the Book maintained under section 154, Cr. P.C and then act further in accordance with law, and if after investigation the allegations are found false, the legal action be initiated against the respondent No.4. It is against said order that the instant Cr. Misc. Application has been preferred by the applicants/proposed accused under section 561-A, Cr. P.C.

2. Learned counsel for the applicants contends that the impugned order is not sustainable in law; that the learned Justice of Peace passed the impugned order without going through the real facts and merit and demerits of the case; that the applicants are innocent and have falsely been involved in this case with mala fide intention and ulterior motives; that there is no independent witness of the alleged occurrence; that the learned Justice of Peace has erred while passing the impugned order as the same was passed without proper verification of facts and applying his judicious mind; therefore, the same is liable to be set aside.

3. There can be no cavil to the proposition that once the allegation with respect to the commission of a cognizable offence is communicated to police, the police is duty bound to register a case. In the case of Sana Ullah versus S.H.O, Police Station, Civil Line Gujarat and 3 others (PLD 2003 Lahore 228) while interpreting Section 154, Cr.P.C, it was observed that words used in section 154 of the Cr.P.C “every information relating to commission of a cognizable offence” pertains only to the information so supplied and do not pertain to actual commission of the cognizable offence and that information supplied should be about an alleged commission of a cognizable offence irrespective of its truthfulness or otherwise and concerned police official has to satisfy himself only to the extent that the information is in respect of a cognizable offence. It was also observed that at the time of first information report, accused persons named in the complaint have no right of hearing. It is, therefore, obvious that if there is an information regarding commission of a cognizable offence, the police officer concerned is under statutory obligation, without hearing the accused person, to enter it in the prescribed register. Failure of the concerned police officer to register a complaint so made or his resorting to delaying tactics, amounts to failure to discharge statutory obligations, which attracts provisions of Section 22-A (6) (i), Cr.P.C.

4. It may be observed that an aggrieved person is well within his rights to approach Justice of Peace under section 22-A(6) (i), Cr. P.C, with a prayer for

registration of the case, and if the Justice of Peace comes to the conclusion that a cognizable offence is apparent from the data available on the record, he can pass an order for registration of the F.I.R.; as such, the Justice of Peace is saddled with the administrative duty to redress the grievances of the complainant aggrieved by refusal of police officer to register his report.

5. I am not impressed with the arguments of learned counsel for the applicants. Under section 22-A(6) (i), Cr. P.C, the Justice of Peace is not authorized to assume the role of investigating agency or prosecution. Even minute examination of the case and fact findings upon the application and report of police is not included in the function of the justice of Peace.

6. It may also be observed that every citizen has got a right to get his complaint registered under section 154, Cr.P.C. with local police when complaint makes out a cognizable offence, a safeguard against false complaint is provided under section 182, P.P.C. whereby a person giving false information to an officer in-charge of a police station can be prosecuted for an offence punishable under sections, 182 or 211, P.P.C., if such information is found to be false.

7. For the foregoing facts and reasons, there appears no illegality or irregularity in the impugned order requiring any interference of this Court under its inherent powers under Section 561-A, Cr.P.C. Hence, this Crl. Misc. Application is dismissed in *limine*, along with listed applications.

JUDGE