

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH**  
**CIRCUIT COURT MIRPURKHAS**

Criminal Miscellaneous Application No. S-441 of 2024

*(Mushtaque Hussain & another Vs. SSP Mirpurkhas & others)*

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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Date of hearing & order 06-08-2024

Mr. Mehboob Ali Laghari advocate for applicants a/w applicants.

Mr. Mehfooz Ali Laghari advocate for respondent Khuda Bux.

Mr. Dhani Bakhsh Mari, Assistant P.G Sindh a/w Inspector Haq Nawaz Junejo  
SHO PS Kot Ghulam Muhammad.

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**ORDER**

**Adnan-ul-Karim Memon, J.** The applicant Mushtaque Hussain and Afaque Hussain have questioned the Order dated 03-07-2024 whereby the learned Additional Sessions Judge-I, Ex-Officio Justice of Peace, Mirpurkhas directed to record the statement of the complainant under section 154 Cr. P.C book.

2. It is inter-alia contended that the impugned Order is null and void under the law and liable to be set aside; that the learned judge did not use the judicial mind as well as report submitted in favor of the applicants that no offense has taken place; that there is old dispute between both the parties and the sister of applicant namely Mst. Nagina succeeded in lodging FIR No. 16/2024 against the applicants; however, the respondents intend to lodge another FIR against the applicants. Learned counsel further submitted that the applicant approached this Court and succeeded in obtaining an interim order dated 04-07-2024, whereby the operation of the impugned Order was suspended; however, the SHO concerned with malafide intention, lodged FIR No.107/2024 against the applicants on the complaint of respondent Khuda Bux, which is apathy on the part of police. He prayed for allowing the instant Criminal Miscellaneous Application.

3. SHO P.S Kot Ghulam Muhammad is present and submitted that nothing has happened as portrayed by the applicants, as he simply complied with the Order passed by the learned Additional Sessions Judge and registered the FIR based on the complaint of the private person.

4. I have heard the parties and perused the material available on record. Primarily, there is a trend to use false FIRs and fabricated complaints to take

revenge on someone. It has become a strong mechanism for the attack on mental health, reputation, and the creation of fear. In criminal matters, the procedure of registration of cases in Courts is provided under sections 154(3), 156(3), 190 Cr. P.C and private complaints made before the Magistrate under section 200 Cr. P.C, false FIR and complaints mean making false allegations and lodging FIR or complaints based on conspired, fabricated facts and circumstances to harass the other person by misuse of law in judicial proceedings. The police is obliged to register FIR for all cognizable offences and to pursue the investigation with the due process of law. Innocent people, who are implicated in false cases under malicious FIR, face many problems due to these legal procedures.

5. The story narrated by the private respondents in his application under section 22-A & B Cr. P.C is based on the narration that the applicant caused the rod to blow on the head of his uncle due to which his uncle fell on the earth and the applicant started beating his uncle with kicks and fists blows. Such medical certificate is available to substantiate his case as a cognizable offense.

6. After arguing the matter at some length, both the parties agreed to the disposal of this criminal miscellaneous application in the term that FIR lodged by the complainant at P.S Kot Ghulam Muhammad despite of restraining order passed by this Court on 04-07-2024, is to be looked into by the Senior Superintendent of Police concerned in its true perspective whether police official of P.S Kot Ghulam Muhammad misused their power and authority and violated the command of this Court or whether the complainant raised his voice of concern about the injuries sustained by his uncle which was/is a cognizable offense to be incorporated in 154 Cr. P.C. book or otherwise.

7. Looking at the above position, SSP Mirpurkhas is directed to look into the matter at his end and take prompt action if he sees something fishy on the part of police officials. However, he shall probe into the matter by conducting further investigation and submit his findings before the concerned Magistrate having jurisdiction within 15 days. The aforesaid exercise is subject to hearing the parties concerned.

In view of above, instant Crl. Misc. Application stands disposed of.

**JUDGE**