

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

Criminal Miscellaneous Application No. S-462 of 2024

*(Ghulam Hyder & 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. Ali Hassan Chandio advocate for applicants  
Mr. Dhani Bakhsh Mari, Assistant P.G, Sindh  
Mr. Hassan Mal Bheel advocate a/w Shrimati Esri.

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**ORDER**

**Adnan-ul-Karim Memon, J.** Through this Criminal Miscellaneous Application, the applicants have challenged the Order dated 24-07-2024, whereby an application of the private respondent for registration of FIR was allowed with direction to SHO P.S Sindhri to record the statement of the complainant.

2. It is contended by the learned counsel for the applicants that respondent No.04 has leveled allegations of rape against them based on false allegations. Per learned counsel the applicants are landlords and respondent No.04 had been working on their land as a farmer and Rs.500,000/- was outstanding against her, and to avoid such payment, she applied sections 22-A & 22-B Cr. P.C before the learned Ex-Officio Justice of Peace/Additional Sessions Judge-I, Mirpurkhas for registration of FIR against them, which order is illegal and liable to be set aside. However, this assertion of the applicants has been denied by respondent No.04, who is present along with her counsel and reiterated the allegations leveled by her in the application under sections 22-A & 22-B Cr. P.C. and prayed for dismissal of this Criminal Miscellaneous Application.

3. I have heard learned counsel for the parties present in Court and perused the material available on record.

4. The important issue that arises for consideration in the matter is whether a police officer is bound to register the first information report upon receiving any information relating to the commission of a cognizable offense or whether the police officer has the power to conduct a preliminary inquiry to test the veracity of such information before registering the same.

5. In the present case, allegations relating to the commission of cognizable offence i.e. rape have been leveled against the applicants. Prima facie these allegations are to be looked into by the concerned Police official as per law as the FIR is a pertinent document in criminal law and its main object from the point of view of an informant is to set the criminal law in motion and from the point of view of investigating authorities to obtain information about the alleged criminal activity to be able to take suitable steps to trace and to bring to book the guilty.

6. However, at the same time, it is noted that Article 10-A of the Constitution of the Islamic Republic of Pakistan has to be read with Article 04 of the Constitution whereby all the individuals without any distinction have to be dealt with by law and it is the inalienable right of every citizen.

In view of the above, I am of the tentative view that this matter requires to be taken care of by the SSP concerned, who is required to hear parties and if a cognizable offense is made out, against the applicants, he may direct the SHO concerned to record the statement of the complainant forthwith; and, if nothing has happened, strong reasons to be given for not directing the SHO to lodge a cognizable offense.

In the above terms, instant Crl. Misc. Application stands disposed of.

**JUDGE**

*\*Jabbar\**