

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Miscellaneous Application No. S-447 of 2024

(Yar Muhammad & another Vs. SSP Umerkot & others)

DATE ORDER WITH SIGNATURE OF JUDGE

1. For hearing on M.A No.786/2024
2. For hearing of main case.

Date of hearing & order 09.08.2024

Mr. Mehboob Ali Laghari, advocate for applicant

Mr. Humayoon Rind Baloch, Advocate for respondent No.03

Mr. Dhani Bux Mari, Assistant P.G.

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ORDER

Adnan-ul-Karim Memon, J. Through this Criminal Miscellaneous Application, the applicants have challenged the Order dated 05-07-2024, whereby an application of the private respondent for registration of FIR was allowed with direction to SHO P.S Soofi Faqeer to record the statement of the complainant/respondent No.03.

2. It is contended by the learned counsel for the applicants that respondent No.03 has leveled allegations of abduction against them based on false allegations. Per learned counsel, the parties are at loggerheads over civil disputes and they are facing a series of litigation against each other, that the learned trial Court did not consider the police report and passed the impugned Order, which order is illegal and liable to be set aside. However, this assertion of the applicants has been denied by respondent No.03, who is present along with his counsel and reiterated the allegations leveled by him 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. abduction 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.

7. 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. However, at the same time, SSP shall ensure that no false FIR should be registered against any innocent person. The aforesaid exercise shall be conducted within one week after providing a meaningful hearing to the parties.

8. By consent of the parties and in view of the above terms, instant Crl. Misc. Application stands disposed of.

JUDGE

Ali Sher