

# IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Misc. Application No.S-529 of 2024  
(*Hantho Vs. Ex-Officio Justice of Peace Tharparkar & others*)

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DATE	ORDER WITH SIGNATURE OF JUDGE
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Date of hearing and order 01.10.2024

Mr. Wishandas Kohliadvocate for the applicant  
Mr. Hemandas advocate for the respondent  
Mr. Dhani Bakhsh Mari, Assistant P.G Sindh  
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## ORDER

*Adnan-ul-Karim Memon, J.* This Criminal Miscellaneous Application is filed against a court order dated September 13, 2024, passed by the Ex-Officio Justice of Peace/Sessions Judge Tharparkar, under sections 22-A(a) & (b) of the Criminal Procedure Code (Cr.P.C), whereby the application of the respondent Sooraj, seeking registration of FIR against applicant Hantho @ Hansraj & others was allowed. An excerpt of the order is reproduced:-

“Learned counsel for the applicant has submitted that police is not entertaining the applicant’s complaint for FIR regarding the incident wherein proposed accused entered the applicant’s house forcibly, threatened him and outraged the modesty of his wife Sht. Haju Bai. He prayed for an order directing the SHO to register the FIR.

It appears that to some tentative extent, some material is available in police reports favourable to the applicant’s narration. Police is duty bound, by law, to entertain the complaints for further legal disposal. Accordingly, SHO Police Station, Nangarparkar is directed to record the statement of the applicant for further incorporating the same into an FIR or further legal disposal within his competency under Police Rules. Applicant is advised to approach the police for instant compliance. However, it is made clear that SHO would be at full liberty to proceed impartial after recording the statement of the applicant for its legal disposal on merits and action against the applicant if finds his statement otherwise. In view of the above, the instant application stands disposed of. ”

2. I have heard the learned counsel for the parties and perused the record with their assistance.
3. Section 22-A of Cr.P.C. limits a Justice of Peace's role to ensuring whether a cognizable offense is apparent from a complaint. If so, he can order police to record the statement under section 154 Cr.P.C. His function is to assist the Criminal Justice System, not to investigate or prosecute. The prompt registration of a First Information Report (FIR) is a crucial aspect

of criminal justice systems. An Officer In-Charge of a Police Station is obligated to record an FIR when a cognizable offense is reported, regardless of the truthfulness of the information. This duty is separate from the subsequent investigation process. The failure to register an FIR can have serious consequences for victims and can hinder justice. Investigating officers must conduct impartial and honest investigations. They should follow the law and aim to bring the truth to light. If an FIR is not registered or a statement is not recorded, the aggrieved person can file an application under Section 22-A of the Cr.P.C. The Justice of Peace will then examine the application and pass an appropriate order.

4. The registration of an FIR does not guarantee conviction. If the investigation reveals insufficient evidence, the accused may be released on bail. The police officer is empowered to take cognizance of an offense and try the accused or send them for trial. After completing the investigation, the officer must submit a police report to a Magistrate. The report should include details of the parties, the nature of the information, and the names of witnesses. The report should also indicate whether the accused was arrested or released on bail. The police report can be classified as "A," "B," or "C." An "A" report indicates that the FIR is true but the accused is untraced or there is no evidence to justify trial. A "B" report indicates that the FIR is false or frivolous and no case is made out. A "C" report indicates that the criminal case was filed due to a mistake of fact or is of a civil nature.

5. In this case, the Justice of Peace ordered the SHO to record the complainant's statement and register an FIR if a cognizable offense is made out.

6. The criminal Miscellaneous Application is disposed of with a direction to SSP Tharparkar to investigate the matter between the parties. If the SSP finds a criminal offense, he should instruct the SHO to proceed impartially and take action against the appropriate person. And if finds his statement is false penal action shall be taken against the complainant.

7. The aforesaid exercise shall be undertaken within one week. Parties to approach SSP accordingly.

**JUDGE**