

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Misc. Application No. S-137 of 2025
(*Muneer Ahmed Gilal Vs. The State & others*)

Date	Order with signature of Judge
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1. For Orders on office objection.
2. For hearing of main case.
3. For hearing of MA No. 1184/2025. (Stay)

ORDER.

24-03-2025.

Mr. Arsalan Khokhar, advocate for the applicant.
Mr. Fida Hussain Sahito, advocate for respondent No.4.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

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Ali Haider 'Ada',J:- The applicant being aggrieved with the order dated 04-03-2025 passed by learned Additional Sessions Judge/Ex-Officio Justice of Peace Gambat in Crl. Misc. Application No. 206/2025 Re.“Anwaruddin Vs. The State & Others” filed by respondent No. 4 for registration of FIR, as the same was allowed and through this application, the applicant has challenged the same.

2. In Application u/s 22-A & 22-B Cr.P.C, the respondent No.4 narrated that the applicant along with others caused fists and kicks blows and also committed robbery by way of criminal trespass into his house.

3. Learned counsel for the applicant contended that on 06-05-2024 applicant Muneer Ahmed has lodged FIR bearing Crime No. 54/2024 u/s 302 PPC at PS Hingorja against Din Muhammad, Saddam and others relatives of respondent No. 4; that respondent No.4 is father in law of Din Muhammad and brother in law of Saddam, such case has been challaned; that the respondent No. 4 has shown the alleged incident on 05-01-2025 in his application before the Ex-Officio Justice of Peace and he in order create pressure upon the applicant party has managed a false story and succeeded to get order for registration of FIR, otherwise no such incident alleged to have taken place; that on 27-02-2025 Muhammad Fazal son of present applicant Muneer Ahmed has also lodged FIR bearing Crime No. 26/2025 at PS Hingorja against respondent No.4, so on such account to balance the litigation the Respondent No.04 filed frivolous application, lastly he prays for set aside the impugned order .

4. Learned counsel for respondent No.4 submits that Muhammad Fazal son of applicant has managed a false story and lodged FIR against the respondent No.4 and others; further submits that incident was taken place and learned Ex-Officio Justice of Peace passed speaking order.

5. SSP Khairpur and SHO PS Hingorja filed their respective statements through learned Additional P.G which is taken on record. Learned Additional P.G submits that enmity is going on between the parties and it is astonishing that the persons who have enmity entered in the house and committed robbery, even the police did not support the version of respondent No.4, so in view of this position he did not support the impugned order.

6. Heard learned counsel for the parties and perused the material available on record.

7. According to the statements filed by the police functionaries, it was clearly mentioned that the close relatives of respondent No. 4 as well as respondent No. 4 himself is booked by the applicant in murder case and in injury case bearing Crime No. 54/2024 and 26/2025 respectively. There is no medical evidence in the record to indicate that the respondent suffered any injury mentioned in his application. It appears that application filed by the Respondent No.04 before Justice of Peace with the sole purpose of balancing the litigation, which is a frivolous act.

8. It is the duty of Justice of Peace that such misuse be taken care of and application should not be lightly entertained and decided in a mechanical manner for issuing direction to the police to lodge an FIR, conduct investigation in the matter and prosecute the accused. Reliance is placed on the case reported as *Munwar Alam Khan Vs Qurban Ali Malano & others (2024 SCMR 985)*.

9. In view of forgoing reasons, the impugned order dated 04-03-2025, passed by learned Additional Sessions Judge/Ex-Officio Justice of Peace Gambat in Crl. Misc. Application No. 206/2025, filed by respondent No.04 is hereby set aside and the application u/s 22-A & 22-B Cr.P.C stands dismissed.

J U D G E

Nasim/P.A