

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Misc. Appl. No.504 of 2023

Date	Order with signature of the Judge
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1. For order on office objections
2. For hearing of main case

**20.11.2024.**

Syed Shabbir Hussain Shah, Advocate for applicant.  
Mr. Ahmed Ali Ghumro, advocate for proposed accused.  
Ms. Amna Ansari, Addl. P.G.

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**MUHAMMAD IQBAL KALHORO J:** Applicant filed an application u/s 22-A & B Cr.P.C. for registration of FIR against proposed accused, who are police officials for illegally taking her son Hammad aged about 21 years on 25.05.2023 at about 11.30 pm, confining him at Police station Memon Goth, torturing him and disabling him on 26.05.2023 at about 5.00 a.m. in a false encounter in Chokhundi graveyard.

2. This application has been dismissed by the impugned order by learned Justice of Peace simply on the ground that alleged offence did not take place within jurisdiction of P.S. Shah Faisal Colony.

3. Learned counsel for applicant has prayed for allowing this application.

4. Learned counsel appearing for proposed accused has submitted that deceased was a notorious criminal and against him FIRs No.174/2023 U/s 353, 324, 186, 34 PPC, 175/2023 U/s 23-A, Sindh Arms Act were lodged; the deceased was also required in FIR No.296/2022 U/s 392, 397, 302 PPC of P.S. Memon Goth; since the FIR of the incident bearing Crime No.174/2023 was registered by the police, the second FIR cannot be registered in view of ratio laid down by the Supreme Court in Sughra Bibi Case (PLD 2018 SC 595).

5. Learned Addl. P.G. submits that any order in accordance with law may be passed.

6. I have heard the parties and perused material available on record. As per ratio laid down in Sughra Bibi case (supra), second FIR regarding counter version cannot be registered as the counter version has to be investigated in the FIR already registered. But in this case the version put forward by the applicant has neither been incorporated in the investigation of aforesaid FIR nor investigated by the I.O. On the contrary the police officials, who are accused in

the version put forward by the applicant, are themselves movers and shakers of the first FIR, alleging an encounter with the son of the applicant, in which he received two bullets on the same leg which ultimately was severed through surgery.

7. In these peculiar circumstances, ratio laid down in Sughra Bibi case is not attracted in the present case. Applicant whose son has been disabled allegedly by the police officials, has a right to put forward her version from which if a cognizable offence is made out the same has to be incorporated in a book u/s 154 Cr.P.C. The Justice of Peace without looking into seriousness of allegations against proposed accused has dismissed the application on a technicality that the offence did not take place within jurisdiction of P.S Shah Faisal Colony. Therefore, this application is allowed and respondent/SHO P.S. Shah Faisal Colony is directed to record statement of the applicant and if a cognizable offence is made out, shall act in terms of section 154 Cr.P.C.

The Cr. Misc. Application stands disposed of.

JUDGE

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