

# IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Miscellaneous Application No. 315 of 2025

Applicant : Faraz Ali son of Riaz Ali;  
Through Mr. Tahir Rahim, advocate

Date of short order : 02.05.2025

Date of reasons : 16.05.2025

## **REASONS**

**Khalid Hussain Shahani, J:-** The applicant, through the instant application under Section 561-A, Cr.P.C., has assailed the impugned order dated 25.02.2025 passed by the learned IVth Additional Sessions Judge, Karachi Central, in Criminal Miscellaneous Application No. 487/2025, whereby the request for registration of FIR against the proposed accused was declined.

2. The operative portion of the said order reads as under:

*“3. I have heard the learned counsel for applicant/petitioner and proposed, so also put a glance over the contents of petition. Prima facie it appears that there is dispute of civil nature between the parties, to which they have remedy to approach concerned court. No criminal act of the petitioner entailed the penal law demonstrate from the memo of petition. The Court cannot act on the wishes and whims of particular party thereby dragged innocent person in crime without actual occurrence of incident. Its by now very well settled law that an Ex-Officio Justice of Peace, may refuse an order direct the SHO register a criminal case in case an petitioner approached him with unclean hands. Reference is invited to case of Abdul Latif v. Mst. Hakimzadi and 2 others (2013 P.Cr.L.J. 813). The prayer with to registration of FIR is hereby declined. So far as the protection is concerned to the petitioner, the police party is directed to provide legal protection to the petitioner, thereby avoid an untoward incident, may take place, if the proper steps will not launch. With the above observations, the instant petition disposed of.”*

3. A perusal of the above shows that the learned Ex-Officio Justice of Peace, after affording full opportunity of hearing to both parties and after duly considering the police report and rival claims, recorded cogent reasons for declining the prayer for registration of FIR. The order reflects judicial application of mind and rests on settled principles of law that an Ex-Officio Justice of Peace is not bound to direct registration of FIR in every case, especially where the allegations appear to be civil in nature and the applicant approaches the Court with unclean hands.

4. It is also relevant to note that the concerned police, in its report, treated the dispute as monetary in nature, lacking ingredients of a cognizable offence, and further noted that the applicant did not report the alleged incident of 28.01.2025 at the relevant time, nor did he obtain any medical letter or attend the police station despite contact attempts.

5. The impugned order not only addresses the substance of the allegations but also balances the rights of the applicant by directing the official respondents to provide legal protection to avoid any untoward incident.

6. In these circumstances, no illegality, impropriety, or abuse of process of court is found in the impugned order warranting interference by this Court in exercise of its inherent jurisdiction under Section 561-A Cr.P.C. Accordingly, this Criminal Misc. Application stands dismissed alongwith pending application(s) in *limine* vide short order dated 02.05.2025 and these are the detail reasons thereof.

**J U D G E**