

ORDER SHEET**IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.**

Cr. Misc. Application No.S-209 of 2025.

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
-------------	--

1. For orders on M.A No.2994/2025 (U/A)
2. For orders on office objection as flag "A"
3. For orders on M.A No.2995/2025 (E/A)
4. For hearing of main case
5. For orders on M.A No.2996/2025 (S/A)

09-07-2025

Mr. Saeed Ahmed Bijarani, advocate for the Applicant.

Khalid Hussain Shahani, J.- The applicant, Ghulam Yaseen Banglani, has invoked the inherent jurisdiction of this Court against an order dated 29.06.2024, passed by the learned 1stAdditional Sessions Judge Kandhkot/Ex-Officio Justice of Peace, Kashmore @ Kandhkot, in Criminal Miscellaneous Application No.19/2024, whereby an application u/s 22-A & B Cr.P.C was declined and SHO concerned was directed to register FIR against the applicant under relevant provisions of law.

02. Learned counsel for the applicant contended that the learned Ex-Officio Justice of Peace failed to consider the evidentiary and circumstantial aspects of the case and dismissed the application without applying judicial mind. He further argued that the proposed accused received an amount of Rs.420,000/- for securing a vaccinator position for the applicant, but failed to fulfill the commitment, therefore, applicant approached to respondent No.3 and 4 at their otaq/inn to get is money back, whereupon the respondents took out pistols from their folds and threatened the applicant of dire consequences if he demands his money, compelling the applicant to first approach the concerned SHO and, subsequently, the Ex-Officio

Justice of Peace, seeking the registration of an FIR on the basis of a disclosed cognizable offense.

03. It is settled principle of law that the jurisdiction conferred under Sections 22-A and 22-B of the Cr.P.C. serves to provide aggrieved individuals with a legal remedy in cases where law enforcement authorities decline to register a cognizable offense. However, the exercise of such jurisdiction must be undertaken with due diligence and judicial prudence, particularly in instances where the allegations lack evidentiary substantiation, are premised on mere conjecture, or appear to be motivated by extraneous considerations. Courts must, therefore, ensure that the invocation of this jurisdiction is not misused to settle personal disputes or achieve ulterior objectives.

04. For the offence to be considered cognizable, it is alleged that the respondent No.3 and 4 received an amount of Rs.420,000/- as an illegal gratification for securing a Government job. A contract, by definition, comprises agreements that are enforceable by law. Since the alleged agreement pertains to the unlawful act of bribery for securing a government job, it is void, ab initio and unenforceable. Consequently, the claim put forth by the applicant is legally misconceived and devoid of merit. Therefore, the applicant has no legal standing to either institute civil proceedings against the proposed accused or to initiate criminal prosecution.

05. It is established principle that the initiation of criminal proceedings must be supported by credible and tangible evidence, rather than mere conjecture or unsubstantiated allegations. Judicial review of such matters must strictly adhere to the principles of fairness, reasonableness, and evidentiary sufficiency. Criminal law should not be utilized as a means for settling personal disputes or pursuing retaliatory claims. In the present case, the application fails to meet the legal threshold necessary for judicial intervention.

06. The impugned order is founded on a well-reasoned assessment of the available record, in accordance with the legal precedent established in Cr. Revision Application No.S-27/2019 (Raban Shah v. The State), decided by the Bench at Sukkur, and the case of Gulsher v. Additional Sessions Judge & Others (PLD 2023 Lahore 171). In light of the absence of substantive evidence and the established jurisprudence disfavoring claims rooted in conjecture or retaliatory motives, no justification exists for interference within this Court's inherent jurisdiction. Accordingly, the instant Criminal Miscellaneous Application, lacking in merits, is dismissed in *limine* along with listed application(s) with the note of caution to the applicant to be careful in future. With these observations the impugned order to the extent of issuing directions to the SHO concerned to register FIR against the applicant under relevant provisions of law stands set aside.