

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Misc. Application No.S-521 of 2025
[Riaz Ahmed Khan & another versus Province of Sindh & Ors.]

Applicants:	Riaz Ahmed Khan, Muhammad Bilal Khan and Muhammad Jehangir: Through Mr. Shoukat Ali Kaka advocate
Official respondents	Province of Sindh & Others: Through Ms. Safa Hisbani Assistant P.G Sindh
Private respondent	Mst. Zareena: Through Mr. Imam Ali Chang advocate
Date of hearing	<u>18.08.2025</u>
Date of Order	<u>18.08.2025</u>

ORDER

TASNEEM SULTANA, J: Through this application under Section 561-A Cr.P.C., the applicants have impugned the Order dated 04.08.2025 passed by the learned VII-Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, in Cr. Misc. Application No.4257 of 2025, whereby the SHO P.S Husri has been directed to record the statement of respondent No.5, and if cognizable offence is disclosed then register an FIR under Section 154 Cr.P.C.

2. The learned Justice of Peace, while entertaining the complaint of respondent No.5 found that her allegations, if accepted on their face, did disclose cognizable offences, and therefore police could not refuse to record her statement.

3. Learned counsel for the applicants contended that the impugned Order is arbitrary and contrary to law; that the FIR No.255 of 2025 had already been lodged against the husband and sons of respondent No.5 and, therefore, the application was only a counterblast; that the police inquiry had already found respondent No.5's allegations to be false and concocted; that the learned Justice of Peace has failed to appreciate the falsity of her version and issued contradictory directions, thereby exceeding his lawful jurisdiction; that the impugned Order dated 04.08.2025 may be set aside.

4. Conversely, learned Assistant P.G as well as learned counsel for respondent No.5 supported the impugned Order by contending that where

allegations disclose cognizable offences, the police is bound to record them; that view of the dicta laid down by the Hon'ble Supreme Court in the case of *Muhammad Bashir vs. SHO, Okara (PLD 2007 SC 539)*, the police has no discretion to refuse registration of FIR once a cognizable offence is disclosed; that mere fact that a prior FIR existed does not absolve the police of its duty to register a second version, which must be investigated fairly; that in the case reported as *Mst. Sughran Bibi v. The State (PLD 2018 SC 595)* the Hon'ble Supreme Court held that every version of an occurrence must be incorporated into investigation and the duty of police is to record statements truthfully.

5. I have heard the parties and carefully examined the record. The impugned Order dated 04.08.2025 was passed in exercise of powers under Sections 22-A & 22-B Cr.P.C. The said provisions empower a Justice of Peace to issue directions to police where their statutory duty under Section 154 Cr.P.C. is being neglected.

6. In case *Sughran Bibi (PLD 2018 SC 595)*, the Honourable Supreme Court further clarified that while there can be only one FIR for a single occurrence, every version or cross-version must be recorded by the police, and the Investigating Officer is duty bound to investigate all versions without discrimination. This principle ensures fairness and prevents suppression of rival narratives. In the present case, the allegations of respondent No.5, if taken at face value, did disclose cognizable offences under the Pakistan Penal Code, including Sections 436, 506, and 452 PPC. Once such information was presented, the police could not decline to register her version merely on the ground that a prior FIR had been lodged by the applicants.

7. The Justice of Peace correctly appreciated that even if a prior FIR existed, the police remained duty bound to incorporate her version into the investigation. The impugned order, therefore, does not direct duplication of FIRs but simply compels the police to perform its duty of recording information and, if required, treating it in accordance with law. The argument of the applicants that the police had found her allegations to be false cannot be accepted at this stage. Whether allegations are true or false is a matter to be determined through investigation and,

if necessary, trial on evidence. The Justice of Peace rightly refrained from adjudicating upon disputed questions of fact, and only ensured that the police fulfill its statutory function.

8. It is well-settled that a High Court, in exercise of its inherent jurisdiction, will not ordinarily interfere with orders of a Justice of Peace unless they are shown to be without jurisdiction, perverse, or manifestly illegal. The impugned Order dated 04.08.2025 falls within the settled parameters of law and does not call for interference. Therefore, it emerges that the order under challenge is consistent with the settled principles laid down by the Honourable Supreme Court and it safeguards the rights of a citizen to have her grievance recorded, while leaving the question of truth or falsity to be determined in investigation.

9. The above discussion led me to hold that the applicants have failed to show that the impugned order suffers from any illegality or impropriety. On the contrary, it represents a correct exercise of supervisory jurisdiction under Sections 22-A & 22-B Cr.P.C. Therefore, the present Criminal Miscellaneous Application is hereby dismissed. Resultantly the impugned Order dated 04.08.2025, passed by the learned VII-Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad in Cr. Misc. Application No.4257 of 2025 is maintained.

10. It is clarified that observations made herein are tentative and shall not prejudice the trial Court or Investigating Officer in assessing evidence independently.

11. Above are the reasons of short Order dated 18.08.2025 whereby this criminal application was dismissed.

Sajjad Ali Jessar

JUDGE