

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR  
Cr. Misc. Appln. No. S-563 of 2025

Date of hearing	Order with signature of Judge
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- 1. For Orders on M.A No.5146/2025
- 2. For Orders on office objections
- 3. For Orders on M.A No.5147/2025
- 4. For hearing of main case
- 5. For Orders on M.A No.5148/2025

ORDER  
18.09.2025

Mr. Zulifiqar Ali Channa, Advocate for the applicant.

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- 1. Urgency granted.
- 2 to 5. The impugned order passed by the learned 3rd Additional Sessions Judge/Justice of Peace, Khairpur, dated 01.09.2025, in Cr. Misc. Application No. 3452/2025, regarding the injury attributed to Rafia classified as "Shuja-i-Mudihah" under Section 337-A(ii) of the Pakistan Penal Code (PPC), is legally sustainable. The medical certificate dated 03.06.2025 categorically identifies the injury as cognizable, attracting legal consequences under Section 337-A(ii) PPC, which prescribes punishability for such injuries including compensation (Arsh) and imprisonment.

The directions for the concerned SHO to record the complaint under Section 154 Cr.P.C. in such circumstances are in consonance with established legal principles. The Supreme Court of Pakistan has consistently held that where medical evidence prima facie discloses a cognizable offence, the police are statutorily bound to register an FIR without conducting any preliminary inquiry into the truth or falsity of the allegations. This is underlined in decisions such as Syed Qamber Ali Shah vs. Province of Sindh (2024 SCMR 1123), where the apex court emphasized that the role of the police is limited to recording information that reveals the commission of a cognizable offence and taking forthwith action under the law, without assessing correctness of the information at the initial stage.

The contention of the applicant’s counsel that no role is attributed to the applicant, and that the FIR should not be lodged against the applicant, does not undermine the statutory obligation of the police to act on disclosure of a cognizable offence. The legality and propriety of implicating a person or party in the FIR is a matter to be investigated and decided through due process of law, not by preemptive judicial restraint at the threshold of investigation.

Therefore, the impugned order rightly orders registration of the FIR for an offence punishable under Section 337-A(ii) PPC, failing which, the legal and constitutional safeguards enshrined in Articles 9 and 10-A of the Constitution of Pakistan would be undermined. Hence, the criminal miscellaneous application is found to be devoid of merit and is dismissed forthwith along with any pending application(s).

JUDGE