

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Miscellaneous Application No.S-1049 of 2024

Applicant : Rehan Rahmatullah s/o Late Muhammad Siddique Rehmatullah *through* Mr. Tajammul Hussain Lodhi, Advocate

Respondent No.1 to 4 : S.H.O Police Station Defence Karachi and others *through* Mr. Mohsin Mangi, Assistant. Prosecutor General, Sindh.

For Respondent No.5 : Mr. Qaim Ali Memon, Advocate

Date of hearing : 27-11-2025

Date of order : 27-11-2025

ORDER

Ali Haider 'Ada', J. - Through this Criminal Miscellaneous Application, the applicant has assailed the order dated 12.10.2024 passed by the learned VI-Additional Sessions Judge/Ex-Officio Justice of Peace, Karachi South in Criminal Miscellaneous Application No.2796/2024, whereby the applicant's request for registration of FIR was declined.

2. Briefly stated, the applicant approached the police authorities with the grievance that his FIR be recorded. Upon failure of the police to address his complaint, he approached the learned Justice of Peace narrating that he had business dealings with the proposed accused, who allegedly issued threats to him. He therefore sought directions for recording of his statement at the concerned Police Station.

3. Learned counsel for the applicant submits that from a bare reading of the application, existence of business relations between the parties is evident and that despite such relations, the agreed profit share was not paid by the proposed accused, who also issued threats. He further submits that a legal notice was served, but no response was ever furnished. Counsel contends that due to the influence used upon the police by the proposed accused, the applicant has a serious apprehension regarding his life and liberty. However, even the prayer for protection was declined by the learned Justice of Peace.

4. Conversely, learned counsel for respondents No.5 and 6 submits that the applicant was in fact an operator/employee of respondent No.5. He asserts that respondents had invested Rs.50 lakhs. When the amount was demanded back, the applicant issued a cheque which was dishonoured. Consequently, an FIR under Section 489-F PPC was lodged against the applicant, and a suit under Order XXXVII CPC was also decreed. Counsel argues that due to this background, the present application has been filed with malice and no offence is made out. He therefore seeks dismissal.

5. Learned Assistant Prosecutor General supports the impugned order, submitting that business transactions between the parties are admitted, and the applicant even avoided joining the inquiry proceedings. He maintains that the learned Justice of Peace has rightly dismissed the application.

6. Heard and perused the material available on record.

7. The scope of powers exercised by a Justice of Peace is not unlimited. Though an aggrieved person may seek redress under Rule 24.1 of the Police Rules, 1934, and Section 154 Cr.P.C., these provisions primarily empower the police authorities. Only upon their failure can a Justice of Peace be approached as a quasi-judicial forum. However, a Justice of Peace cannot assume the role of an Investigating Officer. His duty is to act judicially, examine the material minutely, and determine whether the application is bona fide or filed to achieve some ulterior purpose. The process is not meant to be exercised mechanically. Reliance is placed on the judgment reported as **2024 SCMR 985 (Munawwar Alam v. Quran Ali Malano and others)**.

8. In the present matter, the allegation of threats is unsupported by any convincing material. The record shows that the cheque was issued by the applicant on 25.07.2024, whereas in paragraph 7 of the application, the date of the alleged threats is mentioned as 06.08.2024. This inconsistency indicates that the allegation may have been structured to create a basis for criminal proceedings. Thus, the essential ingredients of criminal intimidation under Section 506(ii) PPC are not satisfied. The limited jurisdiction of the Justice of Peace permits the issuance of directions for registration of FIR only if a cognizable offence is clearly made out. The applicant's own pleadings do not disclose such an offence. The learned Justice of Peace therefore, rightly declined interference. Further support is drawn from the case of **Mst. Madiha Bano v. Senior Superintendent of Police Complaint Cell South Karachi and others (2025 SCMR 1435)**.

9. As well, In case of **Jameel Ahmed Butt and another v. The State through Prosecutor General Sindh and 2 others (2014 PCr.LJ 1093)** it is held that;

"There are instances of misuse of provision of section 22-A, Cr.P.C, and, therefore, it is the duty of the Court that such misuse should be taken care of and such application should not be lightly entertained in a mechanical manner for direction to the police to register a statement of complainant and start prosecuting the alleged accused persons. In forming this view, I find support from the judgment reported as Imtiaz Ahmed Cheema v. SHO, Police Station Dharki, Ghotki (2010 YLR 189).

10. In view of the above discussion, this Criminal Miscellaneous Application is dismissed as misconceived. At this stage, learned counsel requests that the applicant be granted protection. In this regard, it is clarified that Article 4 of the Constitution of Pakistan guarantees that no adverse or detrimental action shall be taken against any citizen except in accordance with law. Public functionaries are obligated, under Section 24 of the General

Clauses Act, to act strictly in accordance with law and to ensure that no unlawful harm is caused to any person.

JUDGE

Asim/PA